

ICE OFFICE
ASSISTANT ATTORNEY GENERAL

COPY

1

1

2 URBAN DEVELOPMENT CORPORATION

3 D/B/A EMPIRE STATE DEVELOPMENT CORPORATION

4 -----x

5 PUBLIC HEARING:

6 RE: General Project Plan of the

7 Seventh Regiment Armory

8 -----x

9

10 Seventh Regiment Armory

11 643 Park Avenue

12 New York, New York

13 July 21, 2005

14 2:06 p.m.

15

16

17 B e f o r e:

18 Michael C. Forth,

19 The Hearing Officer

20

21

22

23 ROY ALLEN & ASSOCIATES, INC.

24 521 Fifth Avenue, 17th floor

25 New York, New York 10175

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

EX. L

1

2

2 A P P E A R A N C E S:

3 Carol Berens, The Empire State Development

4 Corporation

5 William Sherman, The Empire State Development

6 Corporation

7

8 Speakers

9 The Public

10 The Media

11

12

13

14

15

16

17

18

19

20 Marc Russo, Court Reporter

21

22

23

24

25

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

INDEX:

3	SPEAKERS:	PAGE:
4	Suzanne Vlamis.....	14
5	Brendan Sexton.....	19
6	Wade Thompson.....	22
7	Elihu Rose.....	29
8	Kirsten Reoch.....	33
9	Andrew Lauck, Representing Council Member	
10	Eva Moskowitz.....	39
11	Ed Klein.....	42
12	Arie Kopelman.....	46
13	Seri Worden.....	49
14	Terri Rosen Deutsch.....	51
15	Roger Lang.....	54
16	David L. Dalva.....	57
17	Rita C. Chu.....	68
18	Peter Wells.....	71
19	Nikki Henkin.....	75
20	John F. McNamara.....	81
21	Thomas Levis.....	86
22	Lieutenant Colonel Daniel McNally.....	90
23	Alice Rich.....	97
24	Frank Sanchis.....	99
25	Kent Barwick.....	100

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1	
2	SPEAKERS (CONTINUED):
3	Catherine Sweeney Singer.....104
4	Janet Ross.....110
5	Barry Klein, representing Assembly Member
6	Jonathan Bing.....112
7	Shelley Mayer, representing New York City
8	Landmarks and Preservation Commission Chairman,
9	Robert B. Tierney.....118
10	Josephine McCarita.....119
11	Susan Ferrara.....125

12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

THE HEARING OFFICER: Good afternoon ladies and gentlemen. Thank you very much for attending today's public hearing.

My name is Michael Forth and I am an attorney duly admitted to practice law in the State of New York.

I have been asked by the New York State Urban Development Corporation doing business as the Empire State Development Corporation, ESDC, to conduct today's public hearing pursuant to Section 16 of the New York State Urban Development Corporation Act.

This hearing is being held pursuant to a Public Notice published in accordance with the UDC Act in the July 6, 2005 edition of The New York Post and The City Record.

The purpose of this hearing is to afford the general public an opportunity to make statements and comments about ESD's General Project Plan for the proposed Seventh Regiment Armory Civic Project.

The hearing will remain open
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 6

2 for not less than one hour or until all members
3 of the public who are present today at the
4 hearing have been given an opportunity to make
5 statements or comments on the proposed project.

6 This is not a
7 question-and-answer session though. A
8 stenographic transcript of this hearing is being
9 made.

10 Comments presented at this
11 hearing will be taken into consideration by ESD
12 as part of the final approval of the proposed
13 project.

14 First, Carol Berens will
15 present information about the project on behalf
16 of ESD. Then I will recognize anyone else who
17 wishes to make a comment about the project.

18 I have a sign-in sheet and I've
19 been instructed to go in order.

20 If anybody else wants to come
21 forward, I'll just put it here (indicating) and
22 we'll just go down the list.

23 I would ask that you come over
24 here (indicating) because we're trying to make
25 an accurate record.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

7

2

Try to speak as loudly and

3

clearly as you I can and speak slowly so my

4

stenographer will have no problems because he's

5

shy and he won't tell you you're going too fast.

6

For your information, copies of

7

ESD's General Project Plan for the proposed

8

project are available for your information and

9

convenience. They're located over there.

10

In order to give everyone an

11

ample opportunity to speak, I request that

12

speakers keep their oral presentations to no

13

more than five minutes.

14

Speakers representing

15

organizations with a substantial number of

16

members are asked to register and identify

17

themselves as such. And depending on the number

18

of speakers wishing to be heard, they may be

19

afforded up to ten minutes for their

20

presentation.

21

In order to ensure an accurate

22

transcript and to enable all assembled to hear

23

your remarks, I ask each speaker when called to

24

come right here to the front of the room

25

(indicating.)

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2

Please state your name and

3

address.

4

If you are appearing as a

5

representative of an organization or

6

governmental entity, please identify the

7

organization or entity and state its address.

8

Finally, I want to remind you

9

that the purpose of this hearing is to afford

10

you an opportunity to make statements about the

11

ESDC General Project Plan for the proposed

12

project.

13

This is not a

14

question-and-answer session.

15

Now I'd like to take care of

16

administrative matters by asking the

17

stenographer to mark the following documents as

18

exhibits to the hearing transcript:

19

Exhibit Number 1 is the Public

20

Notice that appeared in The New York Post and

21

the City Record on July 6, 2005.

22

I'm showing a copy to the

23

audience.

24

(Public Notice appearing in The

25

New York Post and the City Record were marked as

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 9

2 Hearing Exhibit Number 1.)

3 Exhibit Number 2 is the
4 Affidavit of Publication in The New York Post
5 and the City Record which are these two
6 documents (indicating.)

7 (Affidavit of Publication in
8 The New York Post and the City Record were
9 marked as Hearing Exhibit Number 2.)

10 And Exhibit Number 3 is the
11 document entitled, "Empire State Development
12 Seventh Regiment Armory Civic Project General
13 Project Plan dated June 16, 2005," which we also
14 have here.

15 (Document entitled Empire State
16 Development Seventh Regiment Armory Civic
17 Project General Project Plan dated June 16, 2005
18 was marked as Hearing Exhibit Number 3.)

19 THE HEARING OFFICER: Okay. I
20 would now ask that Ms. Berens come forward and
21 give her presentation on behalf of ESD.

22 MS. BERENS: Good afternoon.

23 My name is Carol Berens. I'm
24 the Vice President at the Empire State
25 Development Corporation and I'm here today to
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

10

2 present a brief summary of the project.

3 The Seventh Regiment Armory
4 Civic Project is the restoration and renovation
5 of the historic Seventh Regiment Armory into a
6 cultural arts center for the visual and
7 performing arts.

8 The State of New York, acting
9 through the New York State Urban Development
10 Corporation doing business as the Empire State
11 Development Corporation, will lease the Armory
12 for 99 years to the not-for profit Seventh
13 Regiment Armory Conservancy, Inc., who will
14 renovate and maintain the Armory and operate the
15 cultural arts center.

16 The Armory was constructed
17 between 1877 and 1881 and is now a national
18 historic landmark, a New York City landmark and
19 listed in the State and National Registers of
20 Historic Places.

21 Because the Armory suffers from
22 decades of minimal maintenance, the New York
23 State Division of Military and Naval Affairs
24 requested Empire State Development Corporation
25 to help explore ways to preserve and restore

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 11

2 this historically and culturally important
3 Armory.

4 In early 2000, a Request for
5 Proposals was issued for a developer/operator
6 for the Armory.

7 Despite a broad outreach effort
8 and extensive advertising, only one bid, that
9 from the Conservancy, was received in November
10 2000, the due date.

11 During negotiations the
12 Attorney General opined that amendment to the
13 New York State Military Law was required in
14 order to lease the Armory to a non-military
15 entity.

16 In 2004, the Governor signed a
17 law authorizing ESDC to act on behalf of the
18 State to lease the Armory and undertake related
19 actions.

20 The Division of Military and
21 Naval Affairs and the City shelter retained
22 space in the building.

23 Day-to-day operations,
24 programming and running of cultural and
25 community use is permitted by a non-governmental

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

12

2 entity. And capital repairs and maintenance
3 expenses are excluded from State contracting
4 procedures.

5 The Armory remains available
6 for emergency use.

7 The Conservancy was established
8 by prominent philanthropists to find ways to
9 restore the Armory and return it to active
10 public life.

11 The Conservancy agrees to the
12 goals outlined in board materials which revolve
13 around renovation of the building and the
14 operation of a cultural arts center on as close
15 to a year-round basis as possible.

16 It is anticipated that
17 fundraising will allow renovation to start
18 within four years of lease signing.

19 Rent will be based upon gross
20 revenues from the commercial operations that
21 will subsidize the non-for-profit components.

22 The Governor has allocated a
23 five-year, \$30 million grant from Port Authority
24 bank funds.

25 On page two of the Scope of
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 13

2 Work attached to the June, 2005 Directors'
3 materials, there is a typo.

4 As noted in the project goals,
5 programming of the Armory would generate
6 activity as close to 330 days a year as
7 possible, not more than 330 days as was written
8 in the Scope of Work.

9 This will be corrected in
10 subsequent submission to the ESDC Directors.

11 ESDC is the lead agency for
12 environmental review and is conducting an
13 environmental review pursuant to the State
14 Environmental Quality Review Act.

15 The public is free to review
16 and comment on the environmental assessment
17 prepared by the Conservancy.

18 There are copies here for the
19 public's information. If you run out of copies,
20 please leave your name at the front desk and a
21 copy will be sent to you. And a copy of the
22 environmental assessment is in the front
23 (indicating.)

24 Thank you very much.

25 THE HEARING OFFICER: Can the
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

14

2 people in the back hear?

3 THE AUDIENCE: No.

4 THE HEARING OFFICER: I'm
5 sorry, we do not have a microphone. I will try
6 to speak as loudly as possible.

7 I suggest that if you cannot
8 hear, there are plenty of seats in the front.
9 And I would ask whoever is going to be speaking,
10 literally yell so everybody can hear.

11 Okay, according to our list, I
12 cannot make out the last name, but Suzanne, are
13 you here?

14 Do you wish to speak?

15 MS. SUZANNE VLAMIS: Yes.

16 THE HEARING OFFICER: Please
17 come forward.

18 MS. SUZANNE VLAMIS: Welcome.

19 My name is Suzanne Vlamis.

20 It's spelled S-U-Z-A-N-N-E, "V" for Victor,
21 L-A-M-I-S.

22 I'm a native New Yorker
23 residing at 405 East 82nd Street.

24 I'm a member of CERT which is
25 the Citizens Emergency Response Team. I'm also
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 15

2 Vice President of Zoning on the Committee of
3 Zoning for --

4 THE AUDIENCE: Louder, please.

5 MS. SUZANNE VLAMIS: -- the
6 Upper East Side Neighborhood Association.

7 If you could, feel free to, you
8 know, move up.

9 THE AUDIENCE: Is it possible to
10 stand in the middle of the room?

11 MS. SUZANNE VLAMIS: Whatever is
12 comfortable.

13 THE HEARING OFFICER: Are you
14 going to be able to function that way?

15 THE COURT REPORTER: No.

16 MS. SUZANNE VLAMIS: I have the
17 gentleman here that I have to --

18 THE HEARING OFFICER: She needs
19 to be near the stenographer.

20 MS. SUZANNE VLAMIS: Okay,
21 welcome.

22 The 67th Regiment Armory
23 landmark structure must resume its place once
24 again amidst grand New York City institutions.

25 Its historic impact must be

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

restored to its prominent position as an
incomparable urban fortress; a homeless women's
haven and stellar arts and entertainment complex
as planned.

Growing up in Manhattan as a
child on 72nd Street, my personal contact with
this castle-like building holds both a magical
charm as well as a respectful reverence
regarding its physical mass, sprawling size and
monumental space celebrating special events
unequaled in America today.

As an adult, I've spent many
hours here enjoying the cultural Armory
offerings of antiques, arts and books and its
living, true treasures: Our fellow native New
Yorkers and veterans.

Gathering at the Armory's gate
is paramount in saving these modern ruins from
further deterioration, musty decay and the
ongoing legal battles.

The greater good of New York is
the big picture here for us to focus on to
rejuvenate its magical powers.

Though the Seventh Regiment
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2 owns the Armory and its artifacts, the
3 Conservancy's creation and challenging vision
4 are the constructive forces to preserve this
5 impressive edifice and its environs for future
6 generations of this City and to contribute to
7 its intricate fabric of cultural life, military
8 heritage and the social consciousness with its
9 diverse, but committed citizenry here today.

10 Building a site of this
11 magnitude is unequivocal. Perpetuating the
12 Armory is mandatory today.

13 The Conservancy and its private
14 donations with our civic conviction and vigilant
15 community activism are the paths to this
16 restoration and halting decades of sad neglect
17 at last.

18 Join us to celebrate the common
19 cause.

20 United we will achieve another
21 urban dream on par of preserving Grand Central
22 Terminal, Radio City Music Hall and even the
23 Webster Local Library, as I have, and avoid the
24 swift, greedy bulldoze of destruction of a grand
25 Park Avenue Metropolitan mecca.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 18

2 As the monument's caretakers as
3 it were, we hope to gather others to our
4 Armory's mission of fun, finesse and a finer
5 City for all of us to share in.

6 Thank you.

7 I can give you a copy of this.

8 THE HEARING OFFICER: Thank you
9 very much.

10 Yes, do you want to leave that?

11 MS. SUZANNE VLAMIS: (Handing.)

12 THE HEARING OFFICER: The
13 record should reflect that we're accepting as
14 Exhibit Number 4 a written statement.

15 You have her name?

16 THE COURT REPORTER: Yes.

17 (The testimony of Suzanne
18 Vlamis was marked as Hearing Exhibit Number 4.)

19 THE HEARING OFFICER: Okay.

20 Next on our list, does Brendan Sexton wish to be
21 heard?

22 MR. BRENDAN SEXTON: Yes.

23 Thank you.

24 THE HEARING OFFICER: Please
25 come forward.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BRENDAN SEXTON: Thank

you.

My name is Brendan Sexton and I'm here today as a member of the Board of the Seventh Regiment Armory Conservancy.

My involvement with the Conservancy began in 1986 when I was President of the Municipal Arts Society, a group I should say which has had a long interest in the Armory and whose current President is here today as well.

Over the years of my involvement, I have been moved both by the elegance and opulence of the landmark's interiors as well as by the onward and continual deterioration of its condition.

I am greatly relieved that the State of New York now stands ready finally to take action to rectify the situation through a public/private partnership with the Seventh Regiment Armory Conservancy, as well as through a generous \$30 million grant towards the building's restoration.

I consider this grant as a

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 20

2 generous and constructive contribution to help
3 reverse the great burden here of deferred
4 maintenance.

5 This State money will help
6 considerably towards the total cost of the work
7 which, as each year elapses, rises higher and
8 higher and now stands somewhere near \$130
9 million.

10 That is where a not-for-profit
11 partner such as the Conservancy can bridge the
12 gap through a fundraising campaign.

13 I have no doubt that a New York
14 landmark like the Armory and a cultural
15 institution such as the Conservancy proposes,
16 will be able to attract the funds necessary.

17 Public/private partnerships
18 have been a great solution to the plight of so
19 many of our City's great landmarks and urban
20 places, from Central Park to Times Square.

21 Our partnership ensures that
22 this great shrine to the military history of the
23 State of New York remains in public ownership
24 while allowing a not-for-profit organization to
25 assume the responsibility to restore and then

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 21

2 maintain the building.

3 By investing private money into
4 a State-owned building and then opening that
5 building for the enjoyment and education of the
6 public, this project and partnership rewards all
7 of us.

8 I am excited to be part of this
9 project and I encourage other preservationists
10 and community members to become involved in this
11 endeavor and mission.

12 I strongly encourage the Board
13 of the Empire State Development Corporation to
14 adopt the terms of their plan and to enter into
15 a lease with the Conservancy as soon as
16 possible.

17 Thank you.

18 THE HEARING OFFICER: Thank
19 you, sir.

20 Are you leaving a document?

21 MR. BRENDAN SEXTON: Yes.

22 THE HEARING OFFICER: This will
23 be Exhibit Number 5 for Mr. Sexton.

24 (The testimony of Mr. Brendan
25 Sexton was marked as Hearing Exhibit Number 5.)

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 22

2 THE HEARING OFFICER: Does Wade
3 Thompson wish to be heard?

4 MR. WADE F.B. THOMPSON: Yes.

5 THE HEARING OFFICER: Please
6 come forward.

7 MR. WADE F.B. THOMPSON: Thank
8 you.

9 Good afternoon everybody.

10 My name is Wade Thompson. I
11 live at 4 East 66th Street.

12 I am a Board Member of the
13 Municipal Arts Society and I am the founder and
14 Chairman of the Seventh Regiment Armory
15 Conservancy.

16 I became involved in the fight
17 to save the Armory nine years ago when the
18 plight and deteriorating condition of the
19 building, which I passed on a daily basis,
20 became impossible to ignore.

21 As a member of the Municipal
22 Arts Society Board, I encouraged other
23 preservationists and community leaders to join
24 me in advocating change at the Armory.

25 That effort lead to the

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

23

2 creation of the Conservancy, a not-for-profit
3 organization whose sole mission is to restore
4 the Armory and ensure its ongoing public use for
5 the future.

6 It is very gratifying to see
7 that effort so close to being completed through
8 this hearing and the review process that we are
9 currently undergoing.

10 I consider the Armory
11 Conservancy as the building equivalent of the
12 enormously successful Central Park Conservancy
13 established 25 years ago.

14 We all know how Central Park
15 has improved the quality of life of our great
16 City for all New Yorkers and its visitors.

17 This building stands as the
18 finest extant example of the American Aesthetic
19 Movement and it contains one of the greatest
20 collections of decorative interiors in the
21 entire -- in the entire nation.

22 They suffer from decades of
23 neglect and lack of funds.

24 In 1999, the building was
25 placed on the World Monuments Fund's 100 list of
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 24

2 the 100 most endangered sites in the entire
3 world along with Machu Picchu and Angkor Wat.
4 That's how important this building is.

5 But despite the attention this
6 brought, the Armory has continued to deteriorate
7 during the six years since then.

8 We at the Conservancy have
9 always believed that public/private partnership
10 between the State of New York and the
11 not-for-profit Conservancy was the best means to
12 rectify the deteriorated condition of the
13 Armory.

14 Through years of discussions
15 and deliberations and \$3 million of private
16 funds of the -- spent on the finest consultants,
17 lawyers and experts, a vision of this building
18 fully restored and functioning as a cultural
19 arts center is finally becoming a close reality.

20 This plan combines the best
21 aspects of historic preservation, community
22 involvement, adaptive reuse for one of New
23 York's and the nation's most important
24 landmarks.

25 Our vision of a restored and
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2 rejuvenated Armory will benefit the City, the
3 State, the surrounding neighborhood and the
4 residents alike.

5 The plan is a mixture of the
6 art and antique shows;

7 Historic rooms open for the
8 viewing;

9 Multi-media arts exhibitions;
10 Acoustic and classical music,
11 concerts;

12 Exhibition space for the Army
13 -- for the Armory's decorative, social and
14 military history;

15 Educational programs;

16 Community uses and a model
17 homeless shelter for women that will be
18 professionally managed and operated to benefit
19 all.

20 Upon the signing of the lease
21 with the State of New York, the Conservancy will
22 enter into a period of planning and design,
23 outreach and discussion with all the local co-op
24 buildings and businesses, an effort I may say
25 which is already started, and continue

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 26

2 discussions with all community groups and others
3 who are concerned with the building's future.

4 As a community-based
5 not-for-profit ourselves largely consisting of
6 neighborhood residents, it is a stewardship and
7 responsibility we take very seriously.

8 This landmark as State
9 property, and I emphasis "as State property," is
10 the property of the people of the great State of
11 New York.

12 The dilapidated and neglected
13 state of this public building imperils the
14 public interest. The highly important
15 interiors closed off from public view and access
16 restricts the public from their rights to the
17 property at large.

18 The State will lease the Armory
19 to the Conservancy for 99 years and the State
20 has committed, as mentioned, \$30 million to this
21 project.

22 We have received, in addition,
23 private pledges of \$20 million already and we
24 have not even started the capital campaign.
25 That is over 40 percent of the planned total .

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

27

2 cost of approximately \$120 million needed for
3 full restoration and to open the building for
4 the pleasure and the education of the residents
5 of New York City, the State and its visitors.

6 We at the Conservancy envision
7 a day when the dark and decaying Armory that you
8 see around you, endangered, dilapidated and
9 unsafe, is transformed into a world-class place
10 of civic pride;

11 When its significant interiors
12 are restored to their original splendor;

13 When its artistry and social
14 and military history are preserved and
15 interpreted with all the respect they deserve;

16 And its artistic programs are
17 applauded for their imagination and high
18 aesthetic values.

19 It is also our hope that all
20 litigation over the artifacts collection
21 associated with the Regiment's long, illustrious
22 history will be positively and quickly resolved
23 and that the collection will be able to remain
24 within the Armory and finally be available for
25 viewing by the citizens and the visitors of New

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2 York.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

It is imperative that the Empire State Development Corporation Board ratify the terms of this lease to the Conservancy and then quickly execute the lease itself.

The Conservancy stands ready to immediately invest money in urgently needed repairs and stabilization which should reduce the ongoing damage until the restoration can begin.

Thank you.

(Applause.)

THE HEARING OFFICER: Thank you.

Do you wish to offer the document into evidence also or do you wish to keep it?

MR. WADE F.B. THOMPSON: Yes, please.

THE HEARING OFFICER: The record should reflect that Mr. Thompson has submitted his speech and we will mark it as Exhibit number, I believe 6, Exhibit 6.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 29

2 (The testimony of Mr. Wade F.B.
3 Thompson was marked as Hearing Exhibit Number
4 6.)

5 THE HEARING OFFICER: Does Elihu
6 Rose wish to be heard?

7 MR. ELIHU ROSE: Yes.

8 THE HEARING OFFICER: Thank
9 you, sir.

10 MR. ELIHU ROSE: Good
11 afternoon.

12 My name is Elihu Rose. I live
13 at 2 East 88th Street and I'm the Vice Chairman
14 of the Seventh Regiment Armory Conservancy as
15 well as being a professor of Military History at
16 New York University.

17 For me personally, this Armory
18 has always represented the perfect mixture of
19 military and social exuberance in one
20 extraordinary building.

21 It was not just "a" national
22 guard regiment, it is "the" national guard
23 regiment.

24 The sentence was "the" regiment
25 and it lived in the greatest possible home.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 30

2 It was the perfect evocation of
3 the era of opulence and military pride of New
4 York's gilded age.

5 Today, the historic fabric of
6 this building decays around us.

7 When we, the public, visit the
8 Armory, what do we see, or more important, what
9 do we miss?

10 Well, we see scaffolding
11 keeping out water infiltration; we see plaster
12 falling around our ears; we see buckling stained
13 glass; we walk on warping wood floors; we see
14 alarming structural cracks and we see draperies
15 hiding the original beauty and we see tacky
16 bathrooms in the basement.

17 More importantly, what do we
18 miss? We miss that elegant view of the
19 fifty-five thousand square feet in the Drill
20 Hall with its soaring 60-foot ceilings. We miss
21 the beautiful reception rooms and the
22 architectural gems that are the Company Rooms on
23 the second floor.

24 Now, contrast this with the
25 experience of the historic events in the

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 31

2 building's past.

3 The building was opened with
4 Walter Damrosch, the great conductor leading the
5 New York Philharmonic Orchestra.

6 There were balls in the Grand
7 Reception Room;

8 There were public fares;
9 Sporting events;
10 Tournaments;
11 Family entertainment.

12 The Seventh Regiment was built
13 at a moment of intense architectural and
14 artistic activity. The collection of artists
15 and architects who worked in these rooms reads
16 like a veritable who's-who of the decorative
17 arts world.

18 Names like Louie Comfort
19 Tiffany, Stanford White, Candance Wheeler, the
20 list goes on and on.

21 And that was the building that
22 was.

23 Its present deteriorated
24 condition needs to be addressed quickly and
25 completely. It cannot be done piecemeal.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 32

2 The exterior and the structural
3 problems need to be addressed concurrent with
4 the repair and restoration of the interior.

5 We have in the Seventh Regiment
6 Armory Conservancy and its friends, a
7 not-for-profit, community-based on local
8 residents, historic preservationists, artists,
9 art-lovers, retired National Guard personnel and
10 many others who have committed themselves to
11 rectifying this deplorable situation and opening
12 this magnificent building to the public.

13 I support the Empire State
14 Development Corporation's proposed plan to lease
15 the Armory Conservancy -- lease the Armory to
16 the Conservancy in a public/private partnership
17 to address the current situation at the Armory
18 and to work with the Conservancy to transform
19 this endangered monument into a place of civic
20 pride and enjoyment once again.

21 Thank you.

22 THE HEARING OFFICER: Thank
23 you, sir.

24 Do you wish to --

25 MR. ELIHU ROSE: I'll file it.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

33

2

THE HEARING OFFICER: Can we

3

please have Kirsten Reoch.

4

And before you begin, let me

5

just make a statement.

6

I have been handed a one-page

7

document entitled, "Testimony of Elihu Rose."

8

We will mark this document as

9

Exhibit Number 7.

10

(The testimony of Ms. Elihu

11

Rose was marked as Hearing Exhibit Number 7.)

12

MS. KIRSTEN REOCH: My name is

13

Kirsten Reoch. I'm with the Seventh Regiment

14

Armory Conservancy here at 643 Park Avenue.

15

I'm here to read statements

16

from members and supporters who could not be

17

here today.

18

My first statement is from

19

Steven Lash, Chairman of Christie's America.

20

Dear Board Members of the

21

Empire State Development Corporation:

22

As the Chairman of Christie's

23

America, I appreciate the Armory in its dual

24

roles, as a great work of art in and of itself

25

by some of the greatest figures in decorative

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 34

2 arts and as the venue for highly important art
3 and antique fares which are a valuable part of
4 the art sales market in the City and in the
5 world.

6 I value both of these aspects
7 of the Armory and I'm very happy to be a member
8 of Seventh Regiment Armory Conservancy Board,
9 since the Conservancy's plan would ensure that
10 both facets of this landmark will be maintained
11 and improved.

12 The Conservancy's plan to
13 expand and improve the programming at the Armory
14 builds upon the tradition of the best of the art
15 antique shows. Indeed, one of its partners is
16 the Winter Antiques Show, while also bringing in
17 a mixture of mediums and not-for-profit uses.

18 Together these will benefit the
19 cultural life of New York City as a whole.

20 The shows themselves will
21 benefit immeasurably from the improvement to the
22 building's infrastructure, circulation,
23 mechanical systems and public amenities.

24 While these programmatic uses
25 are important to the ongoing operation and

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

success of the Armory and its role in our community, it's the restoration of the Period Rooms by Tiffany, Stanford White, the Herter Brothers and other luminary names which is truly exciting to an art lover like myself.

It is exciting to imagine these dark and damaged interiors restored, well-lighted and finally open for the public to view and enjoy.

I strongly urge the Board of the Empire State Development Corporation to move ahead with this project and enter into a lease with the Conservancy so this project can come to fruition as soon as possible.

Sincerely, Stephen Lash.

My next letter is from Richard Moe, Chairman of the National Trust for Historic Preservation.

Dear Chairman Gargano:

I am writing regarding the Seventh Regiment Armory in New York City, an extraordinarily important landmark, historically and architecturally.

The National Trust for Historic
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Preservation has had a keen interest in this building for some years. We have been following the plans by the Seventh Regiment Armory Conservancy to restore the building and to manage it in the way that makes it an important community asset.

We have provided technical assistance to them along the way and hope to continue such a relationship throughout the restoration process.

I understand the Empire State Development Corporation is very near entering into a long-term lease with the Conservancy which will allow the restoration to proceed, and that the State of New York has committed \$30 million to the cost of the work.

This is wonderful and encouraging news.

This building has been deteriorating for many years and deserves the attention that the Conservancy and the State now intend to give it.

We applaud the State's current actions to finalize the agreements with the

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2 Conservancy and we urge the State to complete
3 the lease process as quickly as possible.

4 Thank you for your efforts on
5 behalf of this great National landmark.

6 Finally, I have a letter from
7 Gorman Reilly, President of CIVITAS.

8 Dear Chairman Gargano:

9 I am writing as resident of
10 CIVITAS Citizens, Inc., a neighborhood
11 organization concerned with zoning, land use and
12 development on the Upper East Side and East
13 Harlem.

14 Members of the CIVITAS Board of
15 Directors recently toured the Armory and were
16 delighted with the rich collection of historic
17 interiors, but dismayed at the deteriorating
18 condition of the building.

19 I urge you and the ESDC Board
20 to approve and ratify the General Project Plan
21 to restore this historic treasure and enhance
22 its contribution to the cultural and community
23 life of the Upper East Side.

24 This project is of exceptional
25 merit in that it will restore a national, State

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 38

2 and city landmark, increase the Armory's public
3 accessibility and use, will provide housing for
4 a fragile homeless population and will add to
5 the cultural richness of the community it
6 serves, all without a change in the zoning or
7 adding to bulk of the original structure.

8 In many ways, it is a plan
9 which takes the potential and heritage of the
10 Seventh Regiment and enhances and reveals it for
11 the enjoyment of the City and its visitors.

12 Thank you.

13 THE HEARING OFFICER: Thank
14 you.

15 Do you wish to submit the
16 documents?

17 MS. KIRSTEN REOCH: I do.

18 THE HEARING OFFICER: Could you
19 please put them in whatever order they were?

20 MS. KIRSTEN REOCH: Yes.

21 THE HEARING OFFICER: Is this
22 how you read them?

23 MS. KIRSTEN REOCH: Yes.

24 THE HEARING OFFICER: Okay, the
25 record should reflect that the Christie's Letter
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 39

2 will be Exhibit Number 8.

3 (The testimony of Chairman
4 Stephen Lash of Christie's America was marked as
5 Hearing Exhibit Number 8.)

6 The National Trust document
7 will be 9.

8 (The testimony of Mr. Richard
9 Moe from the National Trust for Historic
10 Preservation was marked as Hearing Exhibit
11 Number 9.)

12 And Chairman -- oh, wait,
13 sorry, CIVITAS, this one-page letter will be 10.

14 (The testimony of President T.
15 Gorman Reilly of CIVITAS was marked as Hearing
16 Exhibit Number 10.)

17 THE HEARING OFFICER: I hope I'm
18 not going to butcher your name, but is Andrew
19 Lauck here?

20 MR. ANDREW LAUCK: Yes.

21 THE HEARING OFFICER: Do you
22 wish to speak, sir?

23 MR. ANDREW LAUCK: Yes,
24 please.

25 My name is Andrew Lauck. I'm
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

40

2 here representing Council Member Eva Moskowitz
3 of the City of New York.

4

5 The Council Member wrote a
6 letter to Chairman Charles Gargano of the Empire
7 State Development Corporation dated July 18,
8 2005.

8

I'm here to read that to you.

9

Dear Mr. Gargano,

10

11 I am writing to express my
12 support for the Seventh Regiment Armory
13 Conservancy and their effort to obtain the lease
14 for the Armory at 640 Park Avenue from the State
15 of New York.

15

16 It is my understanding that the
17 Conservancy plans to restore the building and
18 manage daily operation should they acquire the
19 lease.

19

20 In a time when public funds
21 are needed in so many areas for so many
22 different purposes, it is wonderful to see a
23 community organization willing to restore and
24 manage a building that is used by the public.

24

25 I trust that should the
26 Conservancy obtain the lease from New York

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2 State, they will conduct the restoration and
3 daily operations with the utmost care and
4 responsibility.

5 I urge you to grant this
6 organization the lease to the Seventh Regiment
7 Armory so that this fine building can be
8 restored and made available it all New Yorkers
9 in the future.

10 Sincerely, Eva Moskowitz,
11 Council Member, 4th District, Manhattan.

12 THE HEARING OFFICER: Thank
13 you, sir.

14 Do you wish to submit the
15 document into evidence?

16 MR. ANDREW LAUCK: Yes,
17 please.

18 THE HEARING OFFICER: Thank
19 you.

20 Exhibit Number 11 will be the
21 one-page letter from Council Member Eva
22 Moskowitz.

23 (The testimony of Council
24 Member Eva Moskowitz was marked as Hearing
25 Exhibit Number 11.)

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 42

2 THE HEARING OFFICER: Is Ed
3 Klein present?

4 MR. ED KLEIN: Yes, sir.

5 THE HEARING OFFICER: Do you
6 wish to speak, sir?

7 MR. ED KLEIN: Yes.

8 My name is Edward Klein.

9 I reside at 216 Starling Court,
10 Manhasset, Long Island.

11 I am -- been retired, Major
12 General from the New York Army National Guard
13 and as the former Commanding General of the New
14 York Army National Guard and a member of the
15 Veterans of the Seventh Regiment, I'm saddened
16 by the present condition of the Seventh Regiment
17 Armory.

18 Years of negligent and regular
19 maintenance have allowed this historic building
20 to deteriorate.

21 It is evident that we need the
22 assistance of a non-profit group to address the
23 situation and provide a viable solution for
24 restoring the integrity of the magnificent
25 building.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

The non-profit Seventh Regiment Armory Conservancy, a group whose mission is to restore this historic site while protecting and preserving its illustrious history, is taking on this monumental task.

I have recently joined the Board of Directors of this group and plan to work closely with the members to ensure that the history, architecture and art of the Seventh Regiment Armory are preserved and displayed proudly for generations to come.

The Armory no longer serves the same function when my fellow veterans trained and were stationed here. That's because the military has trained -- changed dramatically since the Armory was built over 125 years ago.

The Armory must serve a new purpose now. It must be restored to its bold and exquisite architecture. And hopefully its many priceless artifacts will stand as testament to the great sacrifices of our soldiers and of our military history.

Its distinguished and handsomely-appointed regimental rooms, which few

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2 have had the privilege to see, must be open to
3 the public.

4

5 The Conservancy is willing to
6 make this commitment. Its proposal for a unique
7 year-around, multi-use arts and cultural
8 facility will provide a revenue stream that will
9 enable the Armory to be self-sustaining and
never fall into disrepair again.

10

11 The Armory will be opened to
12 the public while retaining a military presence
13 and function. That means in addition to
14 housing the offices of the 107th Corp Group, it
15 will be available for use in emergencies as it
was during the 9/11 period.

16

17 And in accordance with Military
18 Law, its spaces will be made available to
19 veterans group -- groups free of charge.

19

20 This law was reaffirmed in the
21 State Legislature passed in 2004.

21

22 We have a great opportunity to
23 save the Armory and accomplish this without
24 spending taxpayer money.

24

25 The Conservancy has already
privately raised millions of dollars and is

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 45

2 committed to raising over 100 million dollars
3 towards this project.

4 The Conservancy's proposal will
5 result in a restored and magnificent building
6 featuring publicly accessible exhibits and
7 military history of the regiment, all of it
8 sustained by arts and cultural programming.
9 There could hardly be a better outcome for the
10 veterans of this State and the people of this
11 City.

12 I therefore commend the
13 Governor, the Empire State Development
14 Corporation and the Seventh Regiment Armory
15 Conservancy for pursuing this initiative.

16 We must continue to all work
17 together towards our common goal.

18 Thank you.

19 THE HEARING OFFICER: Thank you
20 very much.

21 Would the record reflect I've
22 just been handed a one-page document which was
23 Mr. Klein's speech.

24 The exhibit will be marked as
25 Number 12.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 46

2 (The testimony of Major General
3 Edward Klein was marked as Hearing Exhibit
4 Number 12.)

5 THE HEARING OFFICER: Arie
6 Kopelman?

7 MR. ARIE KOPELMAN: Yes.

8 THE HEARING OFFICER: Would you
9 like to speak, sir?

10 MR. ARIE KOPELMAN: Yes.

11 Thank you.

12 My name is Arie Kopelman and I
13 am a resident of 625 Park Avenue for the last
14 ten years. And before that I lived at 45 East
15 66th Street, on the corner of Madison Avenue, a
16 building which was about to be torn down when
17 we, the residents, started an effort to get it
18 designated as a landmark and preserved.

19 I'm here really in three
20 capacities, not only as a neighbor, but as a
21 user.

22 I've been Chairman of the
23 Winter Antique Show for the last 11 years and so
24 I know first-hand just how dilapidated this
25 building is because we're in it and we work here

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

and it's a very important venue for us.

East Side House is in the poorest Congressional District in the county in the South Bronx.

We net, not raise, net over one million dollars a year for the Settlement House as a direct result of the Winter Antique Show. And as a result, this is a labor of love for me, but most importantly, in addition, I want to point out that I am a preservationist first and foremost.

I'm a past President of the Nantucket Historical Association; I'm a Founding member of the Upper East Side Historic District; I am a member of the Municipal Arts Society Board and a very proud member of the Board of the Seventh Regiment Armory Conservancy.

So I'm no Johnny-come-lately having spent most of my adult life involved in preservation.

The State of this Armory is, bottom line, is a disgrace.

So people who talk the talk are one thing, but this building has been allowed to

1

48

2 fall apart for many, many years and it upsets me
3 in every way to see all the gab, but no action.

4 This will require over a
5 hundred million dollars, as you have heard. The
6 money will not be raised except in the way that
7 we have described or various people have
8 described so far.

9 I don't want to be redundant
10 and repeat it all, but now is the time to walk
11 the talk, to make things happen and to create a
12 fabulous building for the use of this great city
13 and State.

14 It has not happened, people
15 have sat by and watched it deteriorate with
16 patch jobs.

17 It is time to take action. It
18 is time to make this the building that it once
19 was. And it is time once and for all for the
20 citizens of this great city and State to use the
21 building in a way that most people will be able
22 to enjoy and pass on for many generations.

23 So I am here with great
24 enthusiasm, great pride. I see the building
25 every single day. I've lived at 66th and

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2 Madison for 20 years, as I mentioned. And I
3 lived next door as a neighbor for over ten
4 years.

5

It's time to get moving.

6

Thank you.

7

THE HEARING OFFICER: Thank

8

you.

9

Seri Worden?

10

MS. SERI WORDEN: Good

11

afternoon.

12

I'm Seri Worden, the Executive

13

Director of FRIENDS of the Upper East Side

14

Historic Districts located at 20 East 69th

15

Street, New York, New York.

16

FRIENDS supports the State of

17

New York's plan to lease the Armory to the

18

Seventh Regiment Armory Conservancy.

19

The condition of the Armory has

20

been a disgrace for so many years that FRIENDS

21

can applaud this step to preserving this

22

magnificent landmark.

23

We find that a cultural venue

24

at this location on the Upper East Side would be

25

a reasonable option and an asset to the

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2 community.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

We do know that some neighbors have concerns about the proposed use of the building and alterations to the exterior. We'll be watching the Conservancy to make sure that such modifications are appropriate and events not overly troublesome.

FRIENDS looks forward to hearing from the Conservancy on proposed work which will be reviewed by the Landmarks Preservation Commission.

We're particularly eager to see the exterior and interior repaired and restored giving this remarkable structure the care it deserves.

In the interest of full disclosure, FRIENDS' President and a board member serve on the Seventh Regiment Conservancy's Board.

Thank you.

THE HEARING OFFICER: Thank you.

Let the record reflect that I have a one-page document submitted by FRIENDS of ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 51

2 the Upper East Side Historic Districts.

3 This will be marked as Exhibit

4 Number 13.

5 (The testimony of FRIENDS was

6 marked as Hearing Exhibit Number 13.)

7 THE HEARING OFFICER: Do we have

8 Terri Rosen, is it Densel?

9 MS. TERRI ROSEN DEUTSCH:

10 Deutsch.

11 THE HEARING OFFICER: Okay.

12 MS. TERRI ROSEN DEUTSCH: Good

13 afternoon.

14 My name is Terry Rosen Deutsch

15 and I'm Director of External affairs for Hunter

16 College located at 695 Park Avenue, New York,

17 New York.

18 I'm here today to State Hunter

19 College's continuing interest in the use of

20 space on a permanent basis at the Seventh

21 Regiment Armory.

22 It's clear that there is a

23 natural partnership between the two

24 institutions, both owned by the State.

25 We believe our programs and our

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 52

2 ability to share our support staff, maintenance
3 and security staff and maintenance and security
4 staff, will be a great asset to the Armory. And
5 that the Hunter College population will enhance
6 programming by bringing the diversity of New
7 York City into all aspects of the Conservancy's
8 cultural plan.

9 Our interest has been
10 longstanding.

11 Since August of 2001, we have
12 met on several occasions with members of the
13 Conservancy Board and staff to express our
14 desire to explore space for some of our artistic
15 programs.

16 Of course, Hunter's use will be
17 consistent with the Conservancy's cultural
18 mission.

19 Hunter's art departments,
20 music, dance and theater, need space for
21 rehearsals, classrooms and intermittent use of
22 space for meetings and conferences.

23 And we are not seeking to use
24 the space that most of the other groups that
25 you've heard about today are interested in, but

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

53

2 we do have various events that we might want
3 considered for use of the Drill Hall space such
4 as a graduation.

5 Our desire instead is for use
6 of some of the other less desirable spaces,
7 specifically on the upper floors.

8 We'd be happy to partner with
9 the Conservancy on the public programming aspect
10 of the plan and we believe our students would be
11 a great and welcomed audience for many of the
12 programs already planned.

13 Our Upper East Side neighbors
14 associate Hunter College with excellent public
15 programming in the arts at the Kaye Playhouse.

16 In addition, we believe we have
17 something to offer some of the tenants of the
18 Armory such as the women's shelter.

19 The students and faculty of
20 Hunter's Premier Social Work School could create
21 community service projects working with shelter
22 residents.

23 Lastly I say we have strong
24 support from many about Hunter's request for use
25 of space in the neighborhood.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 54

2 We look forward to discussing
3 further and working together to help the Seventh
4 Regiment Armory Conservancy create a world-class
5 cultural center at the Armory.

6 Thank you.

7 THE HEARING OFFICER: Thank
8 you.

9 Do you wish to submit?

10 MS. TERRI ROSEN DEUTSCH: Yes.

11 THE HEARING OFFICER: Let me
12 see the documents?

13 MS. TERRI ROSEN DEUTSCH:

14 (Handing.)

15 THE HEARING OFFICER: Thank
16 you.

17 Exhibit Number 14 is a two-page
18 statement from Hunter, the City of New York
19 dated July 21, 2005.

20 (The testimony of Terri Rosen
21 Deutsch, Director of External Affairs for Hunter
22 College, was marked as Hearing Exhibit Number
23 14.)

24 THE HEARING OFFICER: May we
25 have Roger Lang.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2

MR. ROGER LANG: Yes, sir.

3

Good afternoon.

4

5 I'm Roger Lang speaking on
6 behalf of the New York Landmark Conservancy with
7 offices at 141 Fifth Avenue.

8

9 The Landmarks Conservancy is a
10 private, independent, citywide not-for-profit
11 group located in and active throughout New York
12 City.

13

14 We are not affiliated with the
15 Seventh Regiment Armory Conservancy, although we
16 share its mission of history of historic
17 preservation and its goal of seeing the historic
18 Armory renovated, restored and reused as a
19 cultural center for the visual and performing
20 arts.

21

22 I might add that that
23 renovation would include air-conditioning which
24 we would all be most welcome.

25

(Laughter.)

26

27 MR. ROGER LANG: We commend
28 the Empire State Development Corporation for
29 action last month, adopting the General Plan for
30 the Seventh Regiment Armory Civic Project.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Integral to the plan is the 99-year lease about which testimony is being heard today.

The proposed lease will further an exemplary public/private partnership giving the Seventh Regiment Armory Conservancy standing to pursue raising the very substantial funds necessary to implement the plan and to achieve its goals.

The lease does not relieve the Conservancy of its other obligations, including obtaining the necessary approvals from other City and State agencies including the State Historic Preservation Officer and the New York City Landmarks Preservation Commission.

We urge ESDC to execute this lease at the earliest possible opportunity. And we thank you for the opportunity to present the Landmarks Conservancy's views.

THE HEARING OFFICER: Thank you.

MR. ROGER LANG: (Hanging.)

THE HEARING OFFICER: Thank you.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 57

2 Let the record reflect that
3 Exhibit Number 15 is the one-page statement from
4 Mr. Roger Lang.

5 (The testimony of Mr. Roger
6 Lang was marked as Hearing Exhibit Number 15.)

7 THE HEARING OFFICER: Do we have
8 David L. Dalva?

9 Yes? No?

10 MR. DAVID L. DALVA: Yes.

11 THE HEARING OFFICER: Oh, okay.

12 MR. DAVID L. DALVA: Good
13 afternoon.

14 Thank you for coming and
15 attending.

16 I am First Vice President of
17 the Seventh Regiment Veterans and I'm also one
18 of the Vice Presidents of the Seventh Regiment
19 Fund.

20 The Seventh Regiment Fund is at
21 this point the owner of all of the artifacts in
22 the building including -- except for this Panel
23 Room which is owned by the veterans
24 (indicating.)

25 The State in trying to work
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 58

2 around our ownership, passed legislation in
3 2004, which I think that all of you should bring
4 up on their website and read because you'll find
5 it has such interesting phrases in it as the
6 State has deemed that the paneling attached to
7 the walls become the property of the State when
8 it was installed.

9 So for the last hundred and
10 some odd years without anybody's knowledge, this
11 has been the property of the State of New York,
12 retroactively.

13 There are other interesting
14 parts of that legislation that should be read.
15 It is to the benefit of the State, the State in
16 that document claims the ownership of the
17 building.

18 How does it claim ownership of
19 building. Ah, well, the building is owned by
20 the trustees and the State acknowledges that,
21 but because the trustees work for the National
22 Guard or belong to the National Guard, therefore
23 they are an instrumentality of the State. Which
24 is the equivalent of saying if you have a trust
25 officer at a particular bank, that bank owns

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 59

2 your property because the trustee works for the
3 bank. So, it's very interesting.

4 The Conservancy has a wonderful
5 plan. It sounds absolutely wonderful.

6 We've talked to the Conservancy
7 a number of times and we have never gotten them
8 to tell us that they were going to restore the
9 rooms and preserve them as should be done.

10 Mr. Thompson has said a number
11 of times to me that they may have to rent out
12 the rooms because they need the money and it's a
13 tremendous problem of how they're going get --
14 keep cash flow.

15 As an art dealer and a
16 preservationist, I know you don't rent out rooms
17 if you want to preserve them.

18 The veterans have the original
19 furniture for this room that was created by
20 Louis Tiffany. We have the rugs, we have all of
21 the furnishings that go in this room and we
22 would like to see this room as a museum and on
23 display for the people of the City of New York.

24 We have tried on numerous times
25 to discuss this with the State of New York.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 60

2 The State of New York over a
3 nine-year period that they've sued us, has not
4 ever picked up the phone and said perhaps we
5 would like to sit down and talk to you.

6 When I was on the Board of the
7 Conservancy as one of the founders along with
8 Mr. Thompson, he asked me number of times why we
9 couldn't just sign over art to the State so that
10 we can move on with doing the Conservancy.

11 And we tried to explain to Mr.
12 Thompson that this was not my property. It was
13 owned by the veterans and I was a trustee for.
14 And if I gave it away to the State of New York
15 or if I did not defend it as vigorously as
16 possible, I would become liable.

17 The veterans are a
18 not-for-profit organization and have been a
19 not-for-profit organization since it was
20 founded.

21 The Seventh Regiment Fund is
22 also a not-for-profit organization.

23 The Seventh Regiment Historical
24 Association is not only a not-for-profit, but it
25 is organized under the Board of Regents with a
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1
2 permanent charter and would be one of the
3 vehicles we would use to hold the works of art
4 and to display them.

5 We also have the Seventh
6 Regiment Museum which is another corp.,
7 not-for-profit corporation which would again,
8 would be our vehicle to display all of these
9 things and to preserve them.

10 I don't understand the
11 reference that the people in the Conservancy
12 have made to how they were going to display all
13 of the art and all of the fixtures in the
14 building.

15 I don't understand it for two
16 reasons: One, they don't own it, the veterans
17 own it.

18 Two, their charter, at least
19 the way I read their charter, specifically
20 forbids them for having any art or a museum
21 where they display things. Very unusual
22 document.

23 Again, I suggest that you pull
24 it up on the website and read it for yourself.
25 Perhaps I've interpreted incorrectly.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

62

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

The ESD in this proposal has stated that once there is a \$9 million threshold, that 20 percent of the gross will be sent, will be given to the State of New York.

Again, interestingly enough, the State of New York does not own this building, did not put any money in the building of this building. The building was built by the Seventh Regiment and by its friends and veterans.

It is on New York City land.

The lease provides that it be used exclusively for the military purposes of the Regiment or revert to City ownership.

So at this point when there is only ten military people in the building, we feel that it has reverted to City ownership and this is a City building at this point, not a State building.

Again, why the State should get money that belongs to the City of New York through its ESD, which is a State entity, is again a puzzle to me.

People from Hunter spoke and I
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 63
2 don't know whether it's still true, but the last
3 time I looked at Hunter's website, they were
4 talking of a quarter of a million square foot
5 addition to Hunter using the air rights from
6 this property.

7 A VOICE: That was 1999.

8 MR. DAVID L. DALVA: Yes,
9 ma'am, but if it hasn't been taken off.

10 A VOICE: We'll make sure it
11 is.

12 MR. DAVID L. DALVA: I would
13 appreciate it because --

14 A VOICE: It's not part of the
15 plan.

16 MR. DAVID L. DALVA: Yeah, I
17 would appreciate it because it gives
18 misinformation, so you say.

19 We'd be happy to see that it is
20 not.

21 They talk about a 99-year
22 lease.

23 Interestingly enough, if we
24 were setting up the museum, the museum would
25 require ownership of the building. Why would it

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

64

2 require ownership of the building. Because if
3 there is a lease, no matter how long it's for,
4 it reverts back to the lessor.

5 So if Mr. Thompson's group
6 spends \$120 million and then additional money
7 over the 99 year-period, at the end of the
8 99-year period, and I know that seems to
9 everyone to be a terribly long time, but it
10 isn't, the building goes back to the State. And
11 the State, which has carried for and nurtured
12 this building so well, will now have the
13 building in perfect condition that it owns and
14 on a very, very valuable piece of land in Park
15 Avenue in the 60s.

16 So it should not be a 99-year
17 lease. If the State is serious about the
18 preservation of this building, then whatever
19 entity it selects should own the piece of the
20 property so that it does not revert back to the
21 State at the end of it.

22 I heard discussion about how
23 deteriorated the Armory is.

24 We're sitting now in the
25 Veteran's Room and I ask you to look about and
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

see the deterioration of this room.

Notice that the paneling is falling down. Notice that the ceiling is cracked and falling. Notice that the chandeliers are hanging by a thread. And then go out in the hall and notice how deteriorated that is.

There is, over the staircase, some paint that is chipping and falling. That's because the State hasn't painted in ten years.

The veterans have proposed to the State and brought in laborers to do a number of repairs on the building.

We were going -- we brought in a crew to replace the wooden -- to repair the wooden floor in the Great Hall and we were stopped by the State of New York.

We brought in people to clean and repair the doors as you come to the Armory.

The State refused us even though 20 years ago when they held a conference to the National Guard, they called up the veterans and they asked us could we please clean the doors so that it would look nice for the conference.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

66

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

We are very, very concerned about this building. We're very, very concerned about the property. We do not feel that ESD has the right to make any kind of lease because they do not own the property.

The State is very shrill and very adamant and yells a great deal that they own the building, but the ownership is only words because there is no documentation, there is nothing to back it up.

And we frankly do not understand why the Conservancy, which espouses preservation of these rooms and the furniture and all of the art, has not allied themselves with the veterans and joined the veterans in forcing the State to turn over the building and make it a museum.

THE HEARING OFFICER: Mr. Dalva, would you please sum up, you've been speaking for over 15 minutes, sir.

MR. DAVID L. DALVA: Okay, I'm sorry if I spoke too long.

I've been involved in this as a -- from the lawsuit with the State since the ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

67

2 1990s and I'm afraid I get a little bit
3 passionate about it.

4 I do not have a prepared
5 statement. I do have some other documents that
6 we prepared that we would like submit. One of
7 which is our proposal on how to restore the
8 building.

9 THE HEARING OFFICER: Okay.

10 MR. DAVID L. DALVA: Okay?

11 Thank you very much.

12 THE HEARING OFFICER: Thank
13 you.

14 (Applause.)

15 THE HEARING OFFICER: Let the
16 record reflect that the document submitted by
17 Mr. Dalva will be marked as Exhibit 16.

18 (The testimony of Mr. David
19 Dalva was marked as Hearing Exhibit Number 16.)

20 THE HEARING OFFICER: I just
21 want to make an announcement:

22 At the beginning of these
23 proceedings, I requested that if anybody wanted
24 to speak beyond five minutes, to please let us
25 know.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I know this is a very
passionate topic. I know people have a lot to
say. I have a very, very long list. We're
trying to get everybody in.

I'm not leaving until everybody
has an opportunity to speak, but please be
considerate of everybody else in this room and
please try to keep it to five minutes.

If you need more than that,
then why don't you wait towards the end, let me
know so that other people who want to speak can
leave.

And having said that, the next
person on the list is Rita Chu.

A VOICE: Peter Chu? Peter
Wells.

THE HEARING OFFICER: I have
Rita Chu.

A VOICE: I can't hear.

THE HEARING OFFICER: Move up.

A VOICE: I will.

THE HEARING OFFICER: Come on
up.

A VOICE: In due course.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 69

2 THE HEARING OFFICER: All right,
3 go ahead.

4 MS. RITA CHU: Good afternoon,
5 Carol, it's nice to see you dressed up,
6 neighbors and fellow preservationists,

7 My name is Rita Chu and I too
8 am a Founding Director of FRIENDS of the Upper
9 East Side Historic Districts, but today I am
10 here to speak as President of 130 East 67th
11 Street, a cooperative building that is a
12 designated individual landmark located directly
13 opposite the Seventh Regiment Armory's Drill
14 Shed.

15 Can everyone hear me?

16 (No response.)

17 MS. RITA CHU: We ask the
18 Empire State Development Corporation to
19 seriously consider awarding the lease to the
20 Veterans of the Seventh Regiment, a venerable
21 organization with a vested, if not a proprietary
22 interest in all that is best for this building.

23 It has the knowledge and
24 understanding of the rich history of this
25 building and of historic restoration that are

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

70

2 sympathetic to, and respectful of, the building
3 itself to bring it to its former glory.

4 Its plan to continue with the
5 operation of the trade shows and the women's
6 shelter - but under better and more efficient
7 conditions - and to open up the building as a
8 decorative arts museum for the public and as an
9 educational center for school children, is more
10 sympathetic to this residential neighborhood.

11 It has the financial means to
12 restore the building and a financial plan to
13 secure the future maintenance of this building.

14 It can, of course, certainly
15 benefit from the generous grant that the State
16 is offering.

17 And finally, the State has the
18 moral obligation to honor in fact that the
19 veterans of the Seventh Regiment are the
20 rightful owners of this building.

21 Thank you.

22 THE HEARING OFFICER: Thank you
23 very much.

24 (Applause.)

25 THE HEARING OFFICER: The

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 71

2 record should reflect that I have a one-page
3 statement from Ms. Chu.

4 That will Exhibit Number 17.

5 (The testimony of Ms. Rita Chu
6 was marked as Hearing Exhibit Number 17.)

7 THE HEARING OFFICER: We may
8 have Peter Wells.

9 MR. PETER WELLS: Thank you.

10 My name is Peter Wells. I live
11 at 449 East 78th Street, New York, New York 1
12 double 0 21.

13 I was born in New York. My
14 father and uncle were born here.

15 We all served in the United
16 States Army and in the Seventh Regiment New
17 York.

18 I am proud of that heritage.
19 My credentials as a veteran are absolutely
20 unassailable.

21 And what bothers me -- two
22 things bother me really seriously to begin with.

23 Number one is this naked
24 unconstitutionality of the State of New York in
25 seizing this building. Think about it, you want

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 72

2 the State of New York to seize your building,
3 give them your address.

4 And secondly, ESD who is
5 represented by I assume these people here, we've
6 attempted to talk to them over a long period of
7 time. I don't even know what they look like
8 'cause we've never had an opportunity to meet
9 them face-to-face.

10 And in no time, and this
11 implies contempt for the veterans and the
12 serving men of our military, has anyone from ESD
13 ever made an effort to consult us on what might
14 happen or what would have happened to this
15 building.

16 Another issue which I will
17 point out to ESD again, we have on numerous
18 occasions, that the structural quality of this
19 building is excellent. The interior rooms that
20 are damaged are a direct result of the
21 negligence, criminal negligence on the part of
22 the State of New York.

23 They have never said they own
24 the building until all of a sudden they thought
25 maybe it would be a neat idea. It's not a neat

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2 idea. You don't seize private property.

3

Now, as to the Conservancy --

4

this so-called Seventh Regiment Conservancy, I

5

like some of the members of the Conservancy

6

individually very much and I respect them,

7

they're nice people, but from what I can see, a

8

lot of statements made, particularly about the

9

interior condition of the building and some of

10

the other issues they raise, are perhaps the

11

result of misinformation.

12

They certainly have an

13

impressive group. However, they don't impress

14

me because I served my country and I'm a

15

descendant of the men who went before me.

16

These uniforms were worn by --

17

worn by my forebearers (indicating) and their

18

colleagues.

19

Those paintings in the halls

20

were colleagues of my forebearers.

21

This is a regiment and a

22

building that belongs to the City of New York

23

and to America. This building doesn't belong as

24

a performance venue. What do you want, Gaz and

25

The Who and Magic Dragon all outside dumping

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

74

2 five, ten thousand people on the street.

3 I disagree with everything the
4 Conservancy says except I'd like to see this
5 building restored.

6 The veterans of the Seventh
7 Regiment have a plan to do it economically,
8 quickly and conveniently and keep the Seventh
9 Regiment name alive.

10 If we don't, God help us. Then
11 everything that I hold value -- valuable and
12 everything the world holds valuable has
13 deteriorated.

14 This is a nation that's alive
15 and living and breathing today because of the
16 soldiers that served in it and this regiment has
17 been doing it since 1806.

18 We're a democracy that's kept
19 alive by our citizen soldiers and these are
20 citizen soldiers.

21 Now, if you think I'm
22 passionate about this, you're right. I didn't
23 serve my country to have some group from the
24 State of New York, a piddling bureaucratic
25 collection, come in and take it away from me and

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

75

2 take my country away from me and they're
3 starting with this State -- they're starting
4 with this Armory.

5 It's a beautiful building.

6 That's unconstitutional and we
7 fought to defend the Constitution.

8 And I'd like to leave you with
9 this: Some members and friends of mine gave the
10 ultimate sacrifice and they were members of this
11 regiment, a lot of them.

12 Thank you.

13 THE HEARING OFFICER: Thank
14 you, sir.

15 (Applause.)

16 THE HEARING OFFICER: May we
17 have Nikki Henkin.

18 MS. NIKKI HENKIN: My name is
19 Nikki Henkin. I live on the East Side of New
20 York but I'm here to read three statements,
21 three letters into the record, okay?

22 THE HEARING OFFICER: Sure.

23 MS. NIKKI HENKIN: The first
24 one is Marjorie L. Hart at 133 East 64th Street,
25 New York, New York 10021.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

76

2

Dear Chairman Gargano:

3

4

5

6

7

I am writing as a member of the Board of the Seventh Regiment Armory Conservancy and former Chairman of the Board of 133 East 64th Street Corporation, a co-op neighbor and observer of the Armory.

8

9

10

11

12

13

It is with great enthusiasm and a sense of urgency that I urge you and the ESDC Board to approve and ratify the General Project Plan to restore this historic treasure and enhance its contribution to the cultural and community life of the Upper East Side.

14

15

16

17

I further urge your Board to quickly enter a lease with the Seventh Regiment Armory Conservancy so that this project can begin in the fall of 2005.

18

19

20

21

For many years we have watched the internal and external deterioration of this icon of late 19th century architecture and design.

22

23

24

25

You now have before you a group of citizens willing to take the full financial and operating responsibility to stanch this decline and put right this major landmarked

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 77

2 facility; to repair its systems and its fabric;
3 to restore deteriorated spaces to their original
4 splendor and to undertake enhanced cultural
5 programming and dedicated public use of this
6 unique historical space.

7 The Conservancy's plans also
8 call for significant improvements in the
9 interface of the building with the neighborhood:
10 To minimize on-street loading; truck noise and
11 traffic; to improve the lighting, enhancing
12 safety in the neighborhood; improving the
13 maintenance to reduce rat infestations, et
14 cetera.

15 These improvements are much
16 desired by the neighbors.

17 This project will also ensure
18 that the Armory will continue to house the New
19 York National Guard offices and the New York
20 City shelter for homeless women.

21 I therefore, support this
22 project fully and urge you to approve the ESDC
23 plan and lease to the Conservancy.

24 Sincerely, Marjorie Hart.

25 Want that one?

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Hanging.)

THE HEARING OFFICER: May the record reflect that we have a one-page statement from Marjorie Hart which will be marked as Exhibit Number 18.

(The testimony of Marjorie L. Hart was marked as Hearing Exhibit Number 18.)

MS. NIKKI HENKIN: This is from Cecilia Schmidt-Sarosi and Peter Sarosi, both of them Doctors at 51 East 67th Street, New York, New York 10021.

To whom it may concern:

I own a home on the Upper East Side where I practice medicine.

When I heard that there was a non-profit organization that wanted to restore and revitalize the Seventh Regiment Armory, I was very excited because this building has been neglected for too long and needed help.

Like many East-Siders, I had some questions: Who will lead the restoration?

What are the actual plans?

Will any part of these plans compromise the architecture of rich military

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2 history of the Armory?

3

4

5

6

7

As I learned more about the plans of the Seventh Regiment Armory Conservancy, I became more and more confident that the right people were to implement the right plan for the Armory.

8

9

10

11

12

13

14

15

16

I am happy that the Conservancy plans to restore both the exterior and interior of the building and honor the fine architecture long -- architectural it should be -- and long military history of the building, even opening up the historic regimental rooms to the public.

17

18

19

20

I fully support the Seventh Regiment Armory Conservancy's plan for this great East Side landmark.

Thank you.

Sincerely, Peter Sarosi, M.D.

THE HEARING OFFICER: Thank you.

21

22

23

24

25

I have a one-page document from Peter Sarosi, M.D.

We will mark it as Exhibit Number 19, please.

(The testimony of Cecilia
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 80

2 Schmidt-Sarosi, M.D., was marked as Hearing
3 Exhibit Number 19.)

4 MS. NIKKI HENKIN: Okay, last:
5 200 Block East 78th Street
6 Association.

7 Dear Mr. Gargano:

8 As Co-chair of our block
9 association for over 20 years and a long-time
10 resident of the Upper East Side, I have seen
11 many changes in our neighborhoods and not always
12 for the better.

13 The Seventh Regiment Armory is
14 a very special piece of architecture, especially
15 the interior which I would hate to see go the
16 way of Penn Station, a beautiful and historical
17 piece of architecture raised in the name of
18 progress and replaced with a bland, non-descript
19 hulk which will soon come down.

20 Please don't let this be the
21 fate of the Armory. This is a treasure of the
22 Upper East Side and very much worth restoring
23 and opening it up to the public would be such a
24 wonderful addition to our community.

25 The Seventh Regiment Armory
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 81

2 Conservancy seems to have a beautiful plan ready
3 to implement and I would like to see them do it.

4 Thank you.

5 Cynthia Matthews, Co-Chair.

6 (Handing.)

7 THE HEARING OFFICER: Thank
8 you.

9 We have a one-page statement
10 from Cynthia Matthews, co-chair.

11 And that would be marked as
12 Exhibit Number 20, please.

13 (The testimony of Ms. Cynthia
14 Matthews was marked as Hearing Exhibit Number
15 20.)

16 THE HEARING OFFICER: May we
17 have John F. McNamara.

18 MR. JOHN F. MCNAMARA: Yes.

19 John F. McNamara, Master
20 Sergeant, retired.

21 I'm a member of the Post 107
22 American Legion which is headquartered in this
23 building. I'm also a member of the Veterans of
24 the Seventh Regiment.

25 I joined the New York State
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 82

2 Army Reserve, National Guard 8 August, 1960 and
3 served 21 years in the National Guard.

4 I'm a veteran of the United
5 States Army by reason of being activated by the
6 President during the Postal strike.

7 I spend at least one day a
8 month, sometimes one day a week in this building
9 performing administrative services for Post 107
10 or for the veterans of the Seventh Regiment.

11 I have been in this building
12 since 1960. This building means a great deal to
13 me. I want to see it maintained. I want to
14 see it restored.

15 I'm also a Professional
16 Engineer by trade. Licensed in the State of New
17 York and in the State of New Jersey.

18 I was a Design Project Manager
19 for the restoration of the Hoboken Railroad
20 Terminal where New Jersey Transit wanted it
21 turned back to be restored to what it looked
22 like in 1907 when it opened.

23 If you ever get the
24 opportunity, go over and look at what we did,
25 because I stand very proud of being part of that

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 83

2 project.

3 I want to see the same kind of
4 work done here.

5 I know some of the firms in the
6 City of New York and companies like Fire Box
7 (phonetic) have been kicked around and I've
8 worked with them but they've worked for me
9 actually.

10 The question always though that
11 comes out is, who can do this work and who can
12 get this job done?

13 Now, I've heard kicked around
14 and right from the beginning, State of New York
15 is going to throw \$30 million into the
16 restoration.

17 The State of New York has had
18 decades to operate and maintain this building,
19 has done nothing. How can you be so naive to
20 think they're going to give you \$30 million,
21 even if they put it in writing.

22 They never lived up to their
23 promises yet.

24 They could have maintained this
25 building so that it wasn't dirty, so that the

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

84

2 floors weren't worn.

3 Now, as I've said, I've worked
4 with design. I've also worked in construction
5 for many years. This building is structurally
6 sound. Yes, there are leaks. There is water
7 coming down. I'd ask you, go down the hall,
8 there's some rooms you can't go into because the
9 plaster, the plaster is not structural material
10 of the building. The steel, the concrete, that
11 is what keeps the building up.

12 The roof needs a tremendous
13 amount of work and it's going to be very
14 expensive, but this building can be saved.

15 These rooms -- well, this one
16 is not a good example to use, but some of the
17 other rooms are in excellent shape but need
18 cleaning.

19 This one could use a cleaning
20 too.

21 You were given an opportunity
22 to do something here and you all want to see it
23 done and I agree with you, but I don't think the
24 Conservancy will have the right to do it.

25 Now, it's being challenged in
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

85

2 court as we stand here.

3 The State has tried to grab the
4 memorabilia, the military memorabilia and the
5 artworks and has lost.

6 Right now they're stalling to
7 go back to the final court decision but they've
8 lost and they know they lost.

9 That stuff belongs to the
10 Seventh Regiment Fund.

11 The stuff on the walls here,
12 this woodwork, the ceilings, they don't belong
13 to the State. How can the State pass a law.

14 You know if you read that law
15 and I have read it and I'm not a lawyer, but
16 I've worked with lawyers on contract claims in
17 part of my career. The State has a right to
18 take property under the statutes of eminent
19 domain. That law does not claim eminent domain.
20 It's not part of the procedures of eminent
21 domain. And if it doesn't, then how can they
22 just declare they're grabbing a piece of
23 property?

24 Even the recent United States
25 Supreme Court decision says that the State or
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

86

2 local governments can take property under the
3 provisions of eminent domain. That law does not
4 involve this.

5 Thank you.

6 THE HEARING OFFICER: Thank
7 you.

8 (Applause.)

9 THE HEARING OFFICER: May we
10 have Thomas Levis.

11 MR. THOMAS LEVIS: Yes.

12 Thomas Levis. 29 Park Drive,
13 Eastchester, New York.

14 I served in this Regiment from
15 1953 until 1960. Excuse me.

16 Am I also the uncle of two
17 young men serving with National Guard Regiments
18 in Iraq.

19 From my knowledge of the
20 building and its history, I believe that this is
21 the most appropriate place for us to say thank
22 you to the National Guardsmen.

23 Nowhere in this country have we
24 memorialized what the National Guard has done
25 for our cities, our States and our country.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I believe this is the most appropriate place to do it because of the history of this regiment.

Founded 200 years ago, the bicentennial this next year, this regiment was the first regiment to be named "National Guard."

In 1824 it served as a God of Honor to the Marquis de Lafayette, our beloved hero from the Revolution.

With tears in his eyes he said to the officers of the regiment, "You remind me of my Garde Nationale and Paris." Thus, the officers decided to take on the title National Guard.

It wasn't until 1960 that the State of New York decided to apply that title to all militia units and it wasn't until 1900 that that title was passed on to all of the militia units throughout the country.

For some of you who may not know the history of this regiment, I just want to give you a couple of quick items.

It was the first regiment to answer the call to Washington from Lincoln.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

During the Civil War, 90 percent of this Regiment's men left to become officers in others units.

Six of those men earned (indicating) the country's highest Honor, the Medal of Honor.

Another one of those members you may know from the film Glory, Colonel Robert Shaw, the leader of the 54th Massachusetts All Black Regiment was a member of this regiment.

In the First World War, the regiment was called up and during the battle of the breaking of the Hindenburg Line, again, had its members distinguished itself (indicating.)

Four won The Medal of Honor.

What's particularly interesting about this is that throughout all of World War I only 95 Medals of Honor were awarded to the members of the Army. Four of them to members of this regiment.

And also during this period once again, 90 percent of the members, the existing members of the unit became officers and gained for the regiment the title, "West Point

1

89

2 of the National Guard."

3 In World War II the Regiment
4 was called up as was all of the National Guard
5 throughout the country in 1940, to provide the
6 infrastructure for the United States Army when
7 it had its peacetime draft.

8 It was National Guardsmen that
9 were first captured in the Philippines.

10 I don't believe that enough
11 people know and understand the role played by
12 the National Guard throughout our history in
13 civic affairs, not only here, but in other
14 states.

15 This would be the ideal place
16 to maintain the history of these proud units and
17 what they did to serve as an example to our
18 children and grandchildren going forward, how
19 you maintain democracy.

20 I can only hope that somewhere
21 in all the stuff that's been going and enough's
22 been said of it, that the one thing we remember
23 are the men and women who are putting their
24 lives on the line today from the National Guard.
25 And let's honor them.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 90

2 (Applause.)

3 THE HEARING OFFICER: Let the
4 record reflect that Exhibit Number 21 is a
5 two-page statement from Thomas Levis.

6 (The testimony from Mr. Thomas
7 D. Levis was marked as Hearing Exhibit 21.)

8 THE HEARING OFFICER: May we
9 have Lieutenant Colonel Daniel McNally.

10 MR. DANIEL MCNALLY: Good
11 afternoon.

12 I just want to make a -- my
13 name is Daniel McNally. I'm a Lieutenant
14 Colonel in the Air Force Reserve.

15 I got 24 years in the Reserves
16 in the National Guard. The first 14 years were
17 with the 42nd Infantry Division.

18 I had the distinct pleasure of
19 serving in this building between 1992 and 1995.

20 While I was serving in this
21 building I was the Engineer Officer for the
22 107th Corp Support Group.

23 As the Engineer Officer I had a
24 specific duty for battlefield engineering and
25 maintaining of things. And somehow that duty

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 91

2 title kind of reflected back on the maintenance
3 of this building. Of course it wasn't.

4 I want to bring up two
5 incidences and I want to say that the
6 deterioration of this building is substantial
7 cosmetically and that it could have been
8 prevented.

9 And it could not have been
10 prevented by the veterans or by the soldiers who
11 were assigned to this Armory for a number of
12 reasons:

13 One, because of a historic
14 landmark status it made us try to do some kind
15 of self-help care for the building, impossible.

16 And so I'm going to tell you
17 two incidences where water damage was permitted
18 to run ramped.

19 I came into work one night down
20 here on a Tuesday night and there was a leak on
21 the second floor. It was coming through the
22 ceiling. And I says, "Wow, this is terrible."

23 So me and another officer, an
24 engineer, we tracked down the leak. The leak
25 was a two-inch pipe above the fourth floor over

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2 by the restaurant. It had burst. Water was
3 shooting out of it, running between the walls,
4 soaking the plaster, making it heavy. When it
5 became too heavy, gravity took care of the rest
6 and it collapsed.

7

I went down to the
8 superintendent, I says, "You have to call the
9 plumber up here, we need a plumber, we need to
10 patch this pipe and stop this." "That we can't
11 do, it's with the State."

12

That was the answer.

13

Then I went to the OIC who was
14 Colonel Jensen at that time -- Jenkins, Jenkins.
15 And I grabbed him by the hand, I said, "Look,
16 it's right there, we just need a patch on it to
17 stop this."

18

Out of his pocket he called the
19 plumber. We put a patch on it and we stopped
20 it.

21

But that wasn't the proper
22 procedure for doing that.

23

Another example of where
24 something small became something big was, when I
25 was here they replaced the roof and the south

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 93

2 side of the roof gets a lot of damage because of
3 the sun that it takes. It has to be replaced
4 every decade or so.

5 So they replaced the roof.

6 They put in all new leaders and gutters. But
7 there was no maintenance to keep the leaders and
8 the gutters clean so water would come off the
9 roof and go down the side of the building and
10 saturate the bricks. And then it would seep
11 through the bricks and hit the plaster and then
12 the plaster would become saturated.

13 So I says, let's go up there
14 and clean the leaders and the gutters and that's
15 what I had to do.

16 I went up there with a broom
17 and my hand and dug all the leaves all out of
18 there. And I mentioned it again to the
19 superintendent. I says, "How come we don't have
20 a guy up there once a month or something
21 cleaning off the side of the roof"? "Ah, it's
22 the State."

23 So I want you to understand
24 that the deterioration of this building is not
25 because of the soldiers who were here or the

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

94

2 veterans, it was because of the State. They
3 refused to do simple repairs.

4 I don't know why, I think it
5 might have something to do because this is a
6 very valuable piece of property.

7 That's my first point.

8 The second point is in the 14
9 years I was in the National Guard, I was
10 assigned to four armories.

11 The first armory was the
12 Engineering Armory up on 168th and Fort
13 Washington Avenue. Beautiful armory. It was
14 known as the athletic armory because of the size
15 of its drill floor. And many of you who
16 probably ran track in high school probably ran
17 track up there.

18 The unit that was there was the
19 102nd Combat Engineers. Illustrious history.
20 Presidential citations for the Battle of Sipan.
21 Alpha company withstood a kamikaze banzai attack
22 by the Japanese. Held their position and
23 prevented a fall of the flank and the loss of
24 the island. Very historic place.

25 Columbia University, which is
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2 right next door, Columbia Hospital, Columbia
3 Presbyterian Medical Center always had eyes on
4 that building. And sure enough they got it.
5 It's in the form of an athletic facility that's
6 affiliated with the hospital, but that Armory's
7 gone. Soldiers can't even go in there anymore.

8

9 Veterans who have served in
10 that armory for years and years and years who
11 have served their country proudly, are not
12 allowed in the building.

13

14 Another building which is gone
15 now was the headquarters for the 42nd Infantry
16 Division which right now, right now is fighting
17 in Iraq. That's your National Guard unit from
18 this State fighting in Iraq. 18 boys from the
19 69th Infantry have been killed in this
20 deployment.

21

22 But the 42nd Infantry Unit
23 Division Headquarters used to be on 14th Street.
24 When 14th Street became nice again it shut the
25 Armory down, tore it down. Now there's
26 something else there.

27

28 Finally, the last armory was
29 the Kingsbridge Armory which is on Kingsbridge
30 ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

96

2 Road and Jerome Avenue. People from the Bronx
3 might recognize it because of the very large
4 roof on it. That is the world's largest Armory.
5 World's largest armory and the State let it
6 deteriorate and now it's closed down and
7 developers are going to go in there and they're
8 going to do something. I think they're going to
9 make a super K-Mart or something like that in
10 there.

11 Of all the armories left in
12 Manhattan, there's only three and this one is
13 the most beautiful.

14 This one has tremendous
15 history.

16 Of all the history that we're
17 losing because of tearing down our armories
18 because they became valuable to other people,
19 there's no place for them Armories to show their
20 lineage and their history and the things that
21 help motivate soldiers when things get tough.

22 There's no museum in New York
23 to honor our military people.

24 This would be a perfect spot.
25 This should be the place.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

97

2

Thank you.

3

(Applause.)

4

THE HEARING OFFICER: Thank

5

you.

6

May we have Alice Rich.

7

MS. ALICE RICH: Good

8

afternoon.

9

I'm Alice Rich. I represent

10

the Historic Districts Council.

11

We're the citywide advocate for

12

New York's historic district and structures.

13

Our Public Review Committee

14

monitors proposals within the historic districts

15

and to individual landmarks.

16

Our committee has reviewed the

17

application now before the Empire State

18

Development Corporation and would like to thank

19

both the Seventh Regiment Armory Conservancy for

20

taking the time to give us a tour of the

21

building and the ESDC for giving us the

22

opportunity to comment on this proposal.

23

HDC has long been aware of this

24

imposing and important building in the Upper

25

East -- on the Upper East Side and the issues

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2 concerning its preservation.

3

4 The Armory has national as well
5 as local historical significance and is a
6 stand-out building in an architecturally
7 significant neighborhood.

7

8 The interior spaces of the
9 building are widely regarded to be among the
10 finest existing examples of the Aesthetic
11 Movement, as practiced by such masters as Louis
12 Comfort Tiffany and Stanford White.

12

13 There are many grave threats to
14 the remarkable architectural works of art that
15 this building contains as well as the physical
16 structure of the building itself.

16

17 HDC was impressed with the
18 quality of the restoration plans.

18

19 It is high time that this
20 magnificent building be properly restored and
21 its deterioration halted after a lengthy period
22 of inadequate maintenance.

22

23 Damage to the integrity of the
24 structure will only grow more serious if this
25 restoration has not begun and soon.

25

HDC supports the State of New
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 99

2 York's plan to lease the building to the Seventh
3 Regiment Armory Conservancy.

4 Thank you for your
5 consideration.

6 THE HEARING OFFICER: Thank
7 you.

8 Do you wish to submit anything?

9 MS. ALICE RICH: Yes.

10 THE HEARING OFFICER: Thank you
11 very much.

12 The record should reflect that
13 Exhibit Number 22 is a one-page letter from the
14 Historic Districts Council.

15 (The testimony of Ms. Alice
16 Rich was marked as Hearing Exhibit 22.)

17 THE HEARING OFFICER: May we
18 please have Frank Sanchis.

19 Is Mr. Sanchis still here?

20 A VOICE: Yes, he's here.

21 THE HEARING OFFICER: Yes? Okay.

22 MR. FRANK SANCHIS: Good
23 afternoon.

24 I'm Frank Sanchis. I'm the
25 Senior Vice President of the Municipal Arts

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 100

2 Society of New York.

3 For many years the Society has
4 been alarmed by the deteriorating condition of
5 this building which, as you might have heard, is
6 a landmark of both local, State and National
7 stature.

8 We have also for a long time
9 been supporters of partnerships between private
10 and public organizations and we feel that the
11 partnership that has been struck between the
12 Conservancy and the State in the instance of
13 this building is ideal and will provide for the
14 care and preservation of a building which richly
15 deserves preserving it for future generations.

16 We therefore urge that the
17 lease be entered into and congratulate you in
18 advance on its success.

19 Thank you.

20 THE HEARING OFFICER: Thank
21 you.

22 May we have Kent Barwick.

23 MR. KENT BARWICK: Yes.

24 Good afternoon.

25 My name is Kent Barwick. I'm a
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 101

2 member of the Board of the Seventh Regiment
3 Conservancy and I'm President of the Municipal
4 Arts Society which is located at 457 Madison
5 Avenue.

6 I have a statement which I will
7 submit.

8 Almost all the points as you
9 can imagine have been made.

10 I think several things are
11 evident in this afternoon's heated conversation.

12 One is that this is an
13 incomparable asset. This is -- this building is
14 a building is New York at its best at the height
15 of its powers artistically and politically and
16 economically.

17 Socially it is as the
18 recitation of the accomplishments of the Armory
19 that they built this and maintained this
20 structure for so long, the record of this unit
21 goes way, way back to the fact that I think it
22 first came to public attention during the draft
23 riots or the theater near Astor Place.

24 And thirdly, that whoever's
25 fault it may have been in the past, that this is
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

102

2 a treasure that is beyond the capacity of a
3 distant public agency to maintain from Albany,
4 perhaps because there are many, many more
5 pressing defense needs than the maintenance of
6 this building.

7 But there has been a lot of
8 deteriorating. When the lights are on you can
9 see. In fact, I can remember in 1996 coming
10 into this room. We were planning an event here
11 one afternoon just about this time through that
12 door and poised next to that window was a
13 workman with a giant crowbar who was just about
14 to pry off the paneling in order to get to the
15 window to repair the window because of course
16 there's an iron guard on the outside.

17 I think the proposed lease is
18 promising and in fact essential to guarantee
19 that this building architecturally, socially and
20 in terms of the history, the military history of
21 the City --

22 I think the only other point
23 that hasn't been made, it's not mine to make,
24 I'm not a veteran of the Seventh Regiment, but
25 that the military service is one of the few

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 103

2 shared experiences in our city and wars that we
3 fought are one of the few things that brought us
4 together.

5 I believe that the
6 Conservancy's goals are of the highest in its
7 capacity, intellectually and artistically is
8 without parallel and that its ability to raise
9 the funds has already been demonstrated.

10 So I hope that the State will
11 act promptly to approve this lease.

12 I believe that when all of us
13 meet here in five or six years, in
14 air-conditioned splendor, that all of this, the
15 veterans, the neighborhood, the people who care
16 about architecture, the people who care about
17 the history of this city, will be very, very
18 pleased with the important step that's
19 contemplated today.

20 Thank you.

21 On behalf of the record I'd
22 like to submit this document.

23 (Hanging.)

24 (Applause.)

25 THE HEARING OFFICER: Let the
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 104

2 record reflect that Mr. Kent Barwick has
3 submitted a two-page statement.

4 It will be marked as Exhibit
5 Number 23.

6 (The testimony of Mr. Kent
7 Barwick was marked as Hearing Exhibit Number
8 23.)

9 THE HEARING OFFICER: May we
10 have Catherine Sweeney Singer.

11 MS. CATHERINE SWEENEY SINGER:
12 Good afternoon.

13 My name is Catherine Sweeney
14 Singer. I live at 410 East 74th Street and I've
15 been a resident of New York City since 1978.

16 My late father was a West Point
17 graduate. Top five in his class.

18 I am a daughter of a member of
19 the Seventh Regiment and two of my -- I'm sorry,
20 granddaughter and two of my great uncles were
21 members of this Regiment.

22 Also my next younger brother is
23 currently serving his third tour of duty as a
24 Major in the Air Force.

25 Those are my military

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 105

2 credentials.

3 I am appearing today to speak
4 briefly as Executive Director of the Winter
5 Antique Show which is owned by its beneficiary,
6 East Side House Settlement in the South Bronx.

7 I speak today on behalf of the
8 show which has been held in this Armory every
9 year since 1955, with two exceptions. I'll
10 address those exceptions in a moment.

11 I also am an art and
12 architectural historian with 27 years'
13 experience in the art and antique fields in New
14 York City.

15 I have spent more than 200 days
16 in this building and some long nights.

17 I am thoroughly familiar over
18 the past eleven years with producing a show here
19 and what has changed in producing a show here
20 over the past eleven years.

21 I was commissioned in the year
22 2000 by the Seventh Regiment Armory Conservancy
23 to write a report on the use, past, present and
24 proposed uses of this building for the arts and
25 Antique Show so I'm very familiar with the plan.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

For those of you not familiar enough with the show in this building, the Winter Antique Show is simply the best example of what the shows produce for this building, for the community and the City of New York.

The Winter Antique Show requires a 19-day window for its set-up, preview, ten-day run and breakdown.

The Winter Antique Show is considered the Super Bowl of the art and antique world.

The Winter Antique Show sets the standard for art and antique shows across America.

In New York we are the only antique show in which all of the net profits support a charity, the East Side House Settlement.

We net more than \$1 million each year for East Side House. The show though produces tens of millions of, not profits, but tens of millions in sales for our exhibitors.

We have 25,000 visitors over the course of our ten-day run.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 107

2 The Winter Antique Show is the
3 centerpiece of what's now called Americana Week
4 in New York City.

5 The major auction houses time
6 their Americana sales to coincide with our show.
7 Private galleries and some museums mount
8 exhibitions timed with our show. And at least
9 four other commercial shows take advantage of
10 the Winter Antique Show's power to draw serious
11 buyers to New York during the third week of
12 January.

13 One-third of the Winter
14 Antiques Show's exhibitors are already based
15 with businesses in New York City. Why then
16 would they spend from ten to \$100,000 to do a
17 show at the Armory.

18 As one exhibitor, Bernie Karr
19 of Hyde Park Antiques told us, "More qualified
20 buyers come through my booth at the Winter
21 Antique Show over ten days than we see all year
22 in our show downtown."

23 Twenty years ago in 1985, there
24 were only a few annual shows in this building.
25 When I wrote my report for the Conservancy in
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2 2000, there were 22 and the number has increased
3 since then.

4

5 The Winter Antique Show's
6 success with this Armory and its annual venue
7 has made this Armory "the" venue for major art
8 and antique shows in America.

8

9 The success had other benefits.

9

10 Many of the other shows give
11 their night proceeds to a designated beneficiary
12 in New York City.

12

13 This includes the Henry Street
14 Settlement, the Society of Memorial
15 Sloan-Kettering Cancer Center, Lenox Hill
16 Neighborhood House, The Boys Club of New York
17 and many museums, including the Frick and Asia
18 Society.

18

19 Art and antique shows held at
20 this Armory benefit other shows in New York City
21 as well as museums, auction houses and
22 galleries.

22

23 Art and antique shows held in
24 this building benefit other businesses and
25 tourism in New York City.

25

Both exhibitors and visitors to
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2 the shows at the Armory book hotels,
3 restaurants, theatre tickets, car services and
4 of course shop elsewhere while they're in New
5 York.

6

7 The successful use of the
8 Seventh Regiment Armory for antique shows began,
as I mentioned, in 1955.

9

10 In 1956 the Winter Antique Show
11 moved just for one year to the 69th Regiment
12 Armory on Lexington at 26th Street. Then
returned here to the Seventh.

13

14 The only hiatus since then was
15 after 9/11 when we were not permitted to use
16 this building in January of 2002. And with
17 great expense an effort, mounted something
18 similar to the Winter Antique Show at the Hilton
Hotel.

19

20 I know from writing my report
21 and from the hands-on experience of creating a
22 show like the Winter Antique Show at the Hilton,
23 that there is no better, accessible,
24 unobstructed flat floor facility with street
25 access in an appropriate location for art and
antique shows in the City than this Armory.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 110

2 It is fitting that we are
3 having this heated discussion in a room where we
4 all can have art vetting meetings for the Winter
5 Antique Show.

6 For those of you who don't
7 know, vetting is the process through which we
8 authenticate and decide whether a work of art is
9 true and real, whether it is of the highest
10 quality and in fact whether it is show-worthy.

11 And the Winter Antique Show is
12 confident that the Seventh Regiment Armory
13 Conservancy's plan is authentic and will restore
14 this building to its authenticity; will restore
15 it to its highest quality and will ensure that
16 this building remains show-worthy in the future.

17 Thank you.

18 (Applause.)

19 THE HEARING OFFICER: Thank
20 you.

21 May we now have Janet Ross.

22 MS. JANET ROSS: First I would
23 like to say I was very moved by the veteran's
24 speeches and I know they come from the heart and
25 I doubt that there's anybody here who doesn't

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 111

2 have relatives who fought in our various wars,
3 although they didn't belong to this Armory. But
4 I think that any of those people who come to
5 this building would be inspired by all of the
6 things that are here.

7 And I don't feel that they need
8 to feel that they're giving up ownership because
9 it's an ownership of the spirit.

10 As a 40-year resident of New
11 York City and one who cares deeply about the
12 restoration and preservation of this magnificent
13 historic building and the fabric of life in the
14 City, I urge all who attend this hearing of the
15 Empire State Development Corporation to support
16 the Seventh Regiment Armory in its effort.

17 As the Armory is today, its
18 safety and utility is greatly jeopardized along
19 with its historical value. It is vital that
20 this danger be addressed.

21 Much damage through time and
22 neglect has also been done to the beauty of its
23 original art and workmanship. With much work,
24 this legacy is retrievable.

25 For inspiration and

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 112

2 encouragement, one has only to go two blocks
3 west to see what the Central Park Conservancy
4 has helped the Parks Department to achieve.

5 This building, originally built
6 by private donations, can also be revived and
7 sustained in the same way.

8 This testimony, respectfully --
9 respectfully submitted by Janet C. Ross, Board
10 Member of the Seventh Regiment Conservancy;

11 Board Member of the Municipal
12 Arts Society;

13 And a member of the
14 Preservation League of New York State.

15 THE HEARING OFFICER: Thank
16 you very much.

17 The record should reflect that
18 Exhibit number 24 is a one-page statement from
19 Janet, middle initial C, last name Ross.

20 (The testimony of Janet C. Ross
21 was marked as Hearing Exhibit 24.)

22 THE HEARING OFFICER: May we
23 please have Barry Klein.

24 MR. BARRY KLEIN: Hi
25 everybody. My name is Barry Klein.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2

3

I'm here representing Assembly
Member Jonathan Bing.

4

5

6

7

Good afternoon. My name is
Jonathan Bing and I'm the Assembly Member for
the 73rd Assembly District on the East Side of
Manhattan.

8

9

10

11

I'm testifying today because
the district I represent includes the Seventh
Regiment Armory on East 66th and 67th Streets
between Park and Lexington Avenues.

12

13

14

15

16

17

18

19

20

As the Assembly Member for this
area, I have been actively involved in the plans
to repair and redevelop the Armory since I was
first elected in 2002, including introducing
legislation in the Assembly, signed into law as
Chapter 482 of 2004, that allows the Armory to
be turned over to a private, not-for-profit
corporation so that the building can undergo
extensive restoration and preservation.

21

22

23

I had the opportunity to tour
the building and see firsthand its state of
disrepair.

24

25

I therefore, support the plan
of the Seventh Regiment Armory Conservancy to
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2 repair the building and allow it to be operated
3 in a safe manner so that it can be appreciated
4 by future generations.

5

6 The Armory is not only
7 important to the cultural life of this city but
8 its restoration is vitally important to the
9 community safety and homeland security.

10

11 The Conservancy is a
12 not-for-profit organization responsible for the
13 restoration and preservation of the 126-year old
14 Seventh Regiment Armory.

15

16 It is important to note that
17 while operated by the Conservancy, the Armory
18 will remain a New York State facility. As
19 such, it will continue to house New York
20 National Guard offices and be fully available in
21 times of emergency for National Guard use, as it
22 was after the events of September 11, 2001.

23

24 Additionally, the highly
25 successful Lenox Hill Neighborhood House
26 homeless shelter for women will remain at the
27 Armory throughout the construction and after
28 renovations are completed.

29

30 The Armory serves as one of the
31 ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

finest examples of the American Aesthetic Movement with among the most important collections of 19th Century interiors to survive intact in one building.

Unfortunately, the Armory is descending into a state of disrepair due to decades of neglect and minimal maintenance.

The poor condition of the Armory creates a potentially dangerous situation for those who work in the building and the surrounding neighborhood.

Addressing the need for physical repair and restoration on the interior and exterior in a timely manner is critical to the continued functioning of the building.

The Conservancy is committed to raising over \$100 million through public and private donations to fund its redevelopment plan for the Armory.

The primary goal of the Conservancy is the repair and refurbishment of the Armory. It will ensure the structural soundness required of the building that would potentially house National Guard units in

1

2 a time of emergency. In addition, the
3 Conservancy seeks to restore what is truly a
4 national treasure in a matter that befits a
5 building of its architectural and historical
6 magnitude.

7

Following the renovations, the
8 Conservancy will work to make the Armory a
9 unique destination for the public to enjoy the
10 highest quality cultural programming.

11

The Conservancy has already
12 made clear its commitment to working with the
13 community and providing information about the
14 construction and subsequent activities.

15

One way of fulfilling this
16 promise is the Conservancy's promise to maintain
17 a staffed, on-site office to receive telephone
18 calls or walk-in visits from the community.

19

The Conservancy has made clear
20 that they expect much of the work to be done on
21 the interior of the Armory out of site of local
22 residents.

23

Additionally, the Conservancy's
24 plan includes finally providing handicapped
25 accessible entrances to the Armory on the east

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2 and north sides of the building.

3

4 In partnership with local
5 unions, this construction will create dozens of
6 new quality jobs now and in the future and allow
7 for the continued use and enjoyment of this
8 building for generations to come.

9

10 In conclusion, I support the
11 Conservancy's efforts to repair and renovate the
12 Armory and the need for quick action before the
13 building further deteriorates.

14

15 I recommend the approval of the
16 plan submitted by the Conservancy and the
17 much-needed refurbishment of this important
18 landmark.

19

20 I will continue to work with
21 community residents and other interested parties
22 to ensure that the building remains one of which
23 all this City and State can be proud.

24

25 Thank you for your
consideration.

THE HEARING OFFICER:

Do you

wish to submit it?

MR. BARRY KLEIN:

Absolutely.

THE HEARING OFFICER: Thank

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 118

2 you.

3 MR. BARRY KLEIN: Thank you.

4 THE HEARING OFFICER: The
5 record should reflect that Exhibit number 25 is
6 a two-page statement from Assembly Member
7 Jonathan L. Bing.

8 (The testimony of Assembly
9 Member Jonathan L. Bing was marked as Hearing
10 Exhibit 25.)

11 THE HEARING OFFICER: And last
12 person on our list, Shelley Mayer.

13 MS. SHELLEY MAYER: I'm Shelley
14 Mayer.

15 I'd like to read into the
16 record a letter from Robert B. Tierney, the
17 Chair of New York City Landmarks Preservation
18 Commission addressed to Charles Gargano.

19 Dear Mr. Gargano:

20 I am writing to express my
21 support for the proposal to allow the Seventh
22 Regiment Armory Conservancy to undertake efforts
23 to provide for the restoration and renovation of
24 the Seventh Regiment Armory.

25 We understand that the

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

2 Conservancy intends to restore the Armory in a
3 way that is appropriate to its architectural and
4 historic importance and to create a new cultural
5 institution that will feature performances,
6 exhibitions and events that will include dance,
7 music and the visual arts.

8

9 I look forward to the
10 restoration and renovation of this important
11 structure.

12

Sincerely, Robert B. Tierney.

13

THE HEARING OFFICER: Thank you
14 very much.

15

16 The record should reflect that
17 Exhibit Number 26 is a one-page statement from
18 Robert B. Tierney, T-I-E-R-N-E-Y.

19

(The testimony of Chairman
20 Robert B. Tierney of the New York City Landmarks
21 Preservation Committee was marked as Hearing
22 Exhibit Number 26.)

23

THE HEARING OFFICER: Is there
24 anyone else present who would like to make a
25 statement regarding the project?

26

Would you come forward.

27

(Person complies.)

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 120

2 THE HEARING OFFICER: Off the
3 record.

4 (Discussion off the record.)

5 MS. JOSEPHINE MCCARITA: I
6 have a question for the State to answer. And
7 before the State allows a lease to be presented
8 to the Conservancy, the State has to answer:
9 What did they do with the funds from the antique
10 shows, the book fares?

11 There is no segregated
12 accounting. Those funds have not been accounted
13 for. It goes into a general fund up in New York
14 State. The Department of Military and Naval
15 Affairs in Latham, New York does not have any of
16 those segregated funds to speak of.

17 The problem here is this Armory
18 is in the condition it's in because of the
19 State. And all the members of the Conservancy
20 have to realize your work, your efforts are for
21 naught right now. What you need to do is to
22 confront the State and say: why did you allow
23 this Armory to be the way it is, where are the
24 funds, we want to see the financial records, how
25 come all of a sudden you are all being told that

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 121

2 there is \$30 million from the State to use,
3 where did they get it from, why did they insist
4 on ignoring letters that we have written to
5 them.

6 When the Clark Room ceiling
7 fell, I answered the phone from the curator.
8 The curator is no longer here. Why? The State
9 doesn't have any money to give for a curator.

10 Years ago the regiment had a
11 tour curator. He would take the public, take
12 the children on tours.

13 This was an Armory that was
14 very well cared for by the regiment. The State
15 is really a sham in this whole scheme. They're
16 making the veterans look like they're nothing.
17 They're telling you a bag of lies, things that
18 are not the truth.

19 All this memorabilia
20 (indicating) either was donated by the families
21 of the deceased or given by the soldiers
22 themselves when they came back from war.

23 This is a memorial. This room
24 should not be used as a dining room. It was
25 never meant for that.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 122

2 There are many times I see
3 children coming in here with their parents and
4 being awed. I took one child and explained the
5 Thomas Mast picture to that child.

6 All these things are important.
7 And by you turning your back and saying, yes, we
8 all want to see this in good shape, but why did
9 the State let it go? For what reason? How come
10 when the tour -- when the antique shows and book
11 fares come in here, the agreements that they
12 make with the book fare people, with the antique
13 shows, in some cases are not given ahead of the
14 show, they're given later on.

15 In other cases, when the money
16 is paid, why isn't it put in a segregated fund,
17 so that the DMNA can use those funds to properly
18 maintain this Armory?

19 You know, this is illegal.
20 This is -- by omission and being silent the
21 State is trying to look like the good guy.
22 Well, they're not.

23 We have written letters to
24 them, phone calls to them. And I say to the
25 State, New York State give up and New York City
ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 123

2 wake up.

3 New York city has been robbed
4 of any of the funds that legally are theirs.
5 If this Armory is owned by the trustees of the
6 veterans, the trustees of the regiment, how does
7 the State wiggle around this and exempt
8 themselves from doing what the law says? How do
9 they do this? They're getting away, they're
10 bamboozling everybody.

11 Your efforts are being totally
12 honorable but is the State honorable to you as a
13 Conservancy group? Are they honorable? They're
14 not honorable to veterans. That's for sure.

15 They have turned their backs on
16 every attempt. And I have been working on this
17 for a total of nine years and I know. And I've
18 met some of you at the meeting upstairs when I
19 was taking minutes.

20 And I think it's not -- the
21 disgrace is the lying that goes on. That's the
22 disgrace. And a disgrace is how they want to
23 maneuver the attention away from and make it
24 sound that the veterans are wrong. That is
25 wrong.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 124

2 They have hoodwinked people.

3 They have bamboozled people. What are they
4 doing with those funds?

5 In the courts we have that
6 question. Where did the money go? It's a
7 criminal thing. It's not only a disgrace, it's
8 criminal.

9 So think about that. That
10 thought is an important thought and it goes all
11 the way to the top because every one of them
12 ignored, even part of the City where we have
13 sent them faxes and a call, telephone call,
14 nothing returned to us.

15 So what do you have here? What
16 do you have? They're trying to make money on --
17 this is a memorial. It's nothing more. This
18 room should not be used as a dining room or a
19 reception room. It's out of the question.

20 The men in the veterans group
21 wanted it to be a memorial, a museum, so we can
22 have -- we had a curator. Why did -- is it we
23 cannot afford a curator when all of the sudden
24 the State comes up with \$30 million? From who?
25 Where did they get it?

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

125

2

THE HEARING OFFICER: Ms.

3

McCarita, would you please sum up so we can --

4

MS. JOSEPHINE MCCARITA: Okay.

5

I -- I'm so adamant with the State, if I had a

6

whip, I would put them up against the wall and

7

whip them. They have no right to do this. We

8

are all citizens here and what are they doing

9

with the taxpayers' money in court all these

10

years. Why? Why are they allowed to spend that

11

money?

12

Answer that question.

13

Thank you.

14

THE HEARING OFFICER: Thank you

15

very much.

16

(Applause.)

17

MS. SUSAN FERRERA: I'll be

18

your briefest speaker for today.

19

I -- my name is Susan Ferrera.

20

I'm on the Board of 116 East 68th Street and 115

21

East 67th Street which are right opposite the

22

side of the Armory in this direction.

23

I don't think that -- I'm sure

24

nobody in this room is opposed in any way to

25

restoration of the Armory, and I don't want to

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 126

2 weigh in on any kind of legal issues.

3 Obviously, I think whatever is legally correct I
4 want to see that happen.

5 However, we are living in a
6 neighborhood that while deemed residential, has
7 a great deal of traffic. It's an extremely
8 active neighborhood as I think that most of you
9 who live anywhere in the area are well aware.

10 However, we who sit directly on
11 the sidelines of the Armory are the ones who are
12 the most aware of it of all.

13 Knowing that there are plans in
14 the works to have performances of one sort or
15 another in the works for 330 days a year and in
16 many cases, performances that are distinctly
17 different from the current antique which --
18 antique show which, while they attract many
19 thousands of people, do not require that people
20 should be present to sit down for an 8:00
21 curtain or something like that, I think would
22 make a great deal of difference to us.

23 We have already had many
24 problems with traffic congestion. We've had
25 accidents in the area because of pileups of cars

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1 127

2 outside the armory. I could go on and on about
3 all these things that were said by those who
4 have gone before me that have spoken about this
5 much more eloquently than I possibly could.

6 I will tell you about a
7 long-term concern that I personally have.

8 I think we've all read, you
9 know, many an article, many a volume, heard many
10 a comment about the struggles in existing
11 cultural institutions that this City
12 experiences.

13 When Lincoln Center, when other
14 organizations and venues are having such severe
15 financial problems, what is going to be the fate
16 of the Armory should the Conservancy Group and
17 the State prevail and it doesn't work out
18 economically, then what? Will we get the next
19 Bloomberg Building over this site?

20 I'm really very concerned about
21 that. So is everybody else in our building who
22 is sitting right here with a ringside seat on
23 all of this.

24 So thank you all very much for
25 your time.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

128

2

(Applause.)

3

THE HEARING OFFICER: Thank

4

you.

5

I'd like to make an

6

announcement.

7

Please note that the comment

8

period for this particular project will remain

9

open for 30 days and that's until August 21,

10

2005.

11

If you have any written

12

comments they may be sent to, I'm going to give

13

you an address if anybody wants to write it

14

down, to either Carol, C-A-R-O-L Berens,

15

B-E-R-E-N-S, or William Sherman, S-H-E-R-M-A-N,

16

at ESDC, 633 Third Avenue, New York City 10021.

17

I'm sorry, 10027. Okay, 10017.

18

Is there anyone else who would

19

like to make a statement regarding the project?

20

(No response.)

21

THE HEARING OFFICER: The time

22

is now ten minutes after four in the afternoon.

23

This hearing has been held open

24

since two p.m. to allow for public comment on

25

the proposed project.

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

1

129

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Before we close I'll ask one
more time, does anyone want to say anything,
make a comment?

(No response.)

THE HEARING OFFICER: Let the
record reflect that there's been no additional
request for anyone to speak.

This hearing is now officially
closed at 4:11 p.m.

On behalf of ESDC, thank you
all for coming.

Have a good afternoon.

(Time noted: 4:13 p.m.)

ROY ALLEN & ASSOCIATES, INC., (212) 840-1167

C E R T I F I C A T I O N

I, MARC RUSSO, a Shorthand Reporter and Notary Public, within and for the State of New York, do hereby certify that I reported the proceedings in the within-entitled matter, on July 21, 2005, at 643 Park Avenue, New, New York, and that this is an accurate transcription of these proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of August, 2005.

MARC RUSSO